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# SHOOT DOWN OF U.S. CIVILIAN AIRCRAFT BY CASTRO REGIME

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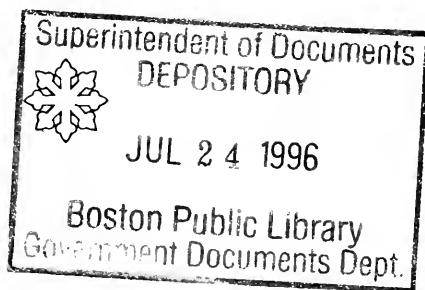
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Shoot Down of U.S. Civilian Airconf...

HEARING  
BEFORE THE  
COMMITTEE ON  
INTERNATIONAL RELATIONS  
HOUSE OF REPRESENTATIVES  
ONE HUNDRED FOURTH CONGRESS  
SECOND SESSION

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FEBRUARY 29, 1996  
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Printed for the use of the Committee on International Relations



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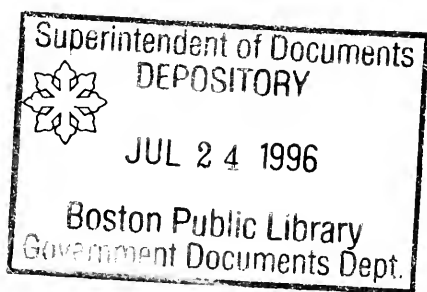
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# SHOOT DOWN OF U.S. CIVILIAN AIRCRAFT BY CASTRO REGIME

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THURSDAY, FEBRUARY 29, 1996

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON INTERNATIONAL RELATIONS,  
*Washington, DC.*

The committee met, pursuant to notice at 10:29 a.m., in room 2172, Rayburn House Office Building, Washington, DC, Hon. Dan Burton, [chairman of the Subcommittee on the Western Hemisphere] presiding.

Mr. BURTON. We will start the hearing. I apologize for the delay. We are at the present time, Mr. Secretary, involved in negotiations with the State Department on the State Department Authorization Bill, and we are in Conference committee. I am supposed to be over there along with Chairman Gilman. Chairman Gilman has gone there and I am going to stay here, and he has my proxy, so I guess everything is going to work out. It is a very difficult time, so I apologize for the delay.

We are very happy to welcome the Honorable Peter Tarnoff to be our first panelist.

But before we recognize him, I would like to make a statement and put into the record the statement of Chairman Gilman, who will not be able to be with us.

So without objection, we will add Chairman Gilman's statement for the record.

[The prepared statement of Chairman Gilman appears in the appendix.]

Mr. BURTON. And Representative Ackerman, who has a written statement that we will submit for the record.

So without objection, those will be added.

[The prepared statement of Mr. Ackerman appears in the appendix.]

Mr. BURTON. This hearing is tragically and eerily reminiscent of the first hearing that I chaired as chairman of the Western Hemisphere Subcommittee 1 year ago. At that time, our subcommittee convened a hearing on the deliberate sinking of the March 13th tugboat by Fidel Castro's thugs, an atrocity which took the lives of 40 innocent Cuban men, women and children.

I was deeply moved by the testimony of the survivors of that tragedy and the horrible events that they described have imbedded themselves in my mind's eye. The thought of a Cuban boat pulling up alongside a tugboat when women are holding children over their heads to show that there are innocent women and children on board, and then washing them overboard with power hoses. When

the women took the children down into the hold, Castro's thugs pulled up alongside and deliberately directed the hoses into the hold so they would sink that tugboat and kill those people. This just boggles the imagination.

Today we will hear testimony of family members of the latest victims of the Castro dictatorship, but in a larger sense, the entire Cuban people are the daily victims of Castro's tyranny.

Last weekend's horrific shoot down of civilian planes that were piloted by American civilians on a humanitarian mission of mercy is only the latest outrage committed by an outlaw regime completely outside the civilized world community.

Yesterday, Mr. Chairman, we gave Fidel Castro a very strong message (this is a rare occasion), and I want to compliment the President for his participation in working with us on that. I have not done that too many times since he has been in office, but this is one time that we worked together and we sent a unified very strong message to Castro that I think he is going to feel for a long time.

The agreement we reached yesterday in the House/Senate Conference and the imminent final action by the Congress and the signature by the President makes it very clear that Fidel Castro and his blood-soaked, corrupt tyranny is about to end.

Our bill also signals to the Cuban people our solidarity and our support in their time of misery. We are determined to help them gain the freedom, democracy and human rights that they deserve.

And with that, I think my colleague, Mr. Menendez, has asked to make an opening statement. And I will then recognize my colleague from Florida.

Mr. Menendez.

Mr. MENENDEZ. Thank you, Mr. Chairman.

I want to commend you and the Chairman of the full committee for holding this hearing today. I want to welcome Secretary Tarnoff, and I look forward to what he has to say.

Mr. Chairman, on Saturday, Castro expanded his reign of terror to the United States when he shot down two unarmed defenseless civilian aircraft and in a premeditated fashion murdered four American citizens, two who were born here in the United States, as I was, and two others who were naturalized, one of them a Vietnam veteran.

And although we continue to hear the press refer to them as exiles, I do not know what standard you have to live up to to be recognized as a U.S. citizen.

Mr. Chairman, I am going to ask you to excuse me as I read a transcript that Ambassador Albright released Tuesday of conversations between Cuban pilots and their control tower last Saturday when two small American-owned planes were shot down north of Cuba. It contains some language that might be offensive, but I think it needs to be said in the context in which it was in fact reported.

Cuban fighters saw a small white and blue Cessna that they were tracking and their excitement was clearly palpable. "The target is in sight. The target is in sight. It's a small aircraft," the MiG-29 pilot radioed back to his ground controller. The white and blue small aircraft, at a low altitude, a small aircraft, a MiG pilot



firing on his wing at it. "Give me instructions." "Fire," was the ground controller's answer, authorized to destroy. Not to warn, not to try to, under international laws, seek to move them out of what is clearly international airspace, but at least, even in their minds, disputed airspace. No. "Fire to destroy," authorized to destroy. Fifty-three seconds later came the response from the MiG-29 pilot. "First launch. We took out his balls," the MiG-29 pilot shouted as his missiles struck the U.S.-owned Cessna. "This one won't mess around anymore," the other pilot said. And 2½ minutes later, after this glee, the pilot sighted the second Cessna. "You are authorized to destroy it," the ground controller said. And the response came back, "The other is destroyed. The other is destroyed," the MiG pilot shouted 2 minutes later. "Fatherland or death, the other is down also."

These are all quotes in the transcript that Madeleine Albright, our U.S. Ambassador to the United Nations, presented.

Mr. Chairman, I have sat on this committee for over 3 years. I have often met the—I will not say the ridicule but the sincere statements of some who questioned Fidel Castro's brutality. He comes to the United States and he puts on a nice suit. He takes off his fatigues. Tries to convince our business community that he is in fact an honorable man, a member of the civilized nation of families and lulls us, or attempts to lull us, into believing that Cuba is an idyllic paradise under his iron-fisted rule.

I hope that my colleagues, and other nations in the world, will come to understand, Mr. Chairman, that there is no end to the willingness of this dictator to use force against his own people, as you so rightly talked about, 40 men, women and children, a little less than 2 years ago, whose only crime was trying to flee a repressive regime. Twenty children killed at sea, after being rammed by a Cuban boat. Did they have to die? For what reason?

And now we have crossed the line to U.S. citizens. For Armando Alejandro, Jr., Pablo Morales, Carlos Costa and Mario de la Pena, I hope that what we did yesterday, and I want to commend the President of the United States for taking a strong position, for saying, in fact, that he wanted on Monday, and in fairness to the President, 2 weeks ago when he visited my district on a question of education announcement, and then I had an opportunity to speak to the President about your legislation, Mr. Chairman, that he wanted a bill that he could sign and he wanted to work with us.

He announced that on Monday and 2 days later we have an extremely strong bill, Mr. Chairman. There can be no greater blow to Fidel Castro and no greater memory of the individuals who had to sacrifice than to have a strong bipartisan response in this Congress on behalf of that Conference report, and ultimately having the signature of President Clinton. I think that is the biggest blow we can give to Fidel Castro. It is one of the greatest things we can do in memory of the four people who sacrificed their lives.

Thank you, Mr. Chairman.

Mr. BURTON. Thank you, Congressman Menendez.

And I would like to say to my Democrat friend, without you, we would not have gotten the job done and we really appreciate your support. I think the people of Cuba ought to know that.

Representative Ileana Ros-Lehtinen, another real heroine, we recognize you.

Ms. ROS-LEHTINEN. Thank you so much, Mr. Burton.

My staff members are at the airport right now picking up the witnesses for our next panel. There was a terrible fog in Miami, so the plane did not take off on time, but they should be on their way.

I thank you, Mr. Chairman, for holding this hearing today to focus on a tragic incident which strikes at the very fiber of human compassion which defies all logic, all sense of morality and dignity. The February 24th shooting down of two unarmed Brothers to the Rescue planes on a humanitarian mission was willful, deliberate, and premeditated murder by the Castro regime.

It is an overwhelming personal loss for some, a painful reminder for others of the incredible appetite of dictators like Fidel Castro, who will go to inconceivable lengths to hold on to the reigns of power. The cries of thousands who have been executed in Castro's prisons for opposing the Castro regime; the cries of those who have fled Castro's tyranny and have drowned in the waters off the Atlantic Ocean, have seemingly fallen on deaf ears for over three decades. We cannot allow the cries of these latest victims to go unanswered. The blood they shed will stain our collective conscience until these crimes against humanity are punished to the fullest extent possible.

The easier path is always that of a follower. Leaders have to overcome great obstacles as they carve out a path for others to follow. However, in the end, it is the leader who will contribute to a safer world and a brighter future for all. This is the choice that the United States is faced with. To assume its leadership role and to guide the international community through the uncharted waters of a new world order, or to succumb to the pressures of public opinion, continue wavering on positions of critical issues and hide behind the facade of international and regional organizations.

We know that President Clinton and his administration will choose the latter and not weaken the U.S. position.

I hope that this latest incident of the Cuban holocaust has reaffirmed for the international community that the United States will not trust Fidel Castro; that the United States will not negotiate with terrorists or pariah states; and that the United States will not leave the welfare of refugees seeking freedom and liberty, in the hands of a tyrant who has oppressed them and persecuted them for over three decades.

I hope that this case of premeditated murder by the Castro regime has served to awaken the international community from the deep sleep that has kept them from seeing Fidel Castro for what he is, a vulture who preys on his people, devouring their hopes for freedom.

I do believe that this recent atrocity has, in part, served to motivate some in the United States to strengthen the United States resolve against the Castro regime. An indication of this new-found determination is the support that the Clinton administration has rendered to the Helms-Burton Bill which was voted out in a bipartisan way out of the Conference yesterday with the strongest possible language.

We thank President Clinton deeply for his support for this legislation, and we especially thank Mr. Richard Nuccio here with us today for his leadership in making this possible.

This legislation eliminates all possibilities for the Castro Government to circumvent U.S. laws by safeguarding the interests of U.S. nationals. By the same token, it is the responsibility of the U.S. Government to protect the lives of its people, and this, too, is a pivotal issue which we must discuss today. In abiding by our responsibility to serve and protect the people of the United States, we must pursue further measures to seek justice for the victims of Saturday's atrocious attack and for their families, many of whom will be here with us today.

While the course of action announced by President Clinton a few days ago is a positive first step, it falls short of fulfilling the United States' legal historical and moral obligations. We have seen our country adopt a proactive approach in Haiti. We have been witnesses to U.S. diplomatic determination and involvement in Bosnia. However, what we have seen regarding Cuba, particularly in the aftermath of the February 24th killing spree by the Castro military, has been a game of diplomatic hide and seek. Hide behind the international community and seek their approval.

And how has that international community responded? By treating Fidel Castro and his regime as rambunctious children who have misbehaved in class and are now being placed in a corner (for "time out"). However, in this instance, the Castro regime is not even receiving a stern scolding from the U.N. Security Council because they failed to, at least, condemn the actions of the tyrant and his group of thugs.

Nevertheless, the actions of the United Nations, rather the lack thereof, are reprehensible. The U.S. Government must act now—quickly and decisively—in this case. The United States should seek, among other options, an international condemnation of this vicious and brutal crime, translated into international sanctions imposed on the Castro regime. It should seek indictments against Cuba before international tribunals as well as domestic measures as most of the victims were U.S. citizens.

It should seek the expulsion of Cuba from all the international and regional organizations which stand for peace, justice, freedom, liberty, security, and respect for human rights. After all, how can a country who flagrantly violates all of these above principles in one swift decision be permitted to share a forum with countries who do respect these basic tenets?

It is not sufficient for all of us to sit here today and express our condolences to the victims' families and say that we share their pain. If we really care, if we truly believe in the principles that have made our country great, that have enabled democracy to overcome oppressive forms of government, then we must act and act now. This wanton act of aggression demands unequivocal resolve from the United States to put an end to such brutality.

Let us listen to the cries of these four heroes and hear their message, a message which echoes in the hearts and souls of all who have been victims of the Cuban holocaust. It is a cry for help, a call to action. We must not abandon them. We must not forget.

Thank you, Mr. Chairman.

Mr. BURTON. Thank you, Ileana. That was a good statement and we sure appreciate all your help on this.

Ms. ROS-LEHTINEN. Thank you, Dan.

Mr. BURTON. I have been remiss in not thanking Richard Nuccio also for his help. We really appreciate all the help he gave us yesterday.

You worked long and hard and you are one of those unsung heroes that nobody knows about but we appreciate very much what you did.

I would like to, if we can, confine our comments because the Secretary has a limited schedule, but let me recognize Mr. Wynn next.

Do you have an opening statement?

Mr. WYNN. Thank you. I have no opening statement.

Mr. BURTON. You have none. Thank you.

Representative Salmon.

Mr. SALMON. Yes. Just real quickly.

Obviously it is very, very tragic what has recently happened, but it is interesting that just a few months ago, when Fidel Castro visited the United Nations, they treated him like some kind of a rock star, like he was their long-lost buddy, long-lost friend.

I think it raises a few issues. What kind of entity is the United Nations right now? Are they really that lost? Do they really have that little understanding of what a thug and a terrorist is? Because this Castro regime is as oppressive as it ever was. In fact, sometimes it seems like it is even getting worse. And this latest action just shows that.

And I think that we have given Castro an inch and then he has taken a mile. And frankly, we have seen his true colors. He is not interested in any kind of reforms. And the only way that Cuba is ever going to get any kind of real freedom or political reform is for Castro's regime to be ended and ended quickly.

And the strong sanctions that we talked about in this committee, that we passed in this committee: I know many ridiculed that, and said that it was time to open the doors, it was time to begin engaging in trade with these folks, and that we were putting undue pressure on some of our allies and our friends in the tough sanctions and measures that we were employing with this Congress. Well, I think we have all been vindicated, have we not?

I think that maybe now the free world recognizes that maybe we were not even tough enough in the legislation that we passed, and that the only way to deal with a thug is to use brute force and maybe it is time we send a stronger message to Castro.

Thank you.

Mr. BURTON. Thank you very much. And I agree with you. We should not have treated him as a hero when he came to visit the United Nations.

Finally we are at the point where we get to hear from our first panelist, Secretary Peter Tarnoff. We appreciate you being with us, and so we will yield to you now.

**STATEMENT OF HONORABLE PETER TARNOFF, UNDER SECRETARY FOR POLITICAL AFFAIRS, U.S. DEPARTMENT OF STATE**

Mr. TARNOFF. Thank you, Mr. Chairman. Thank you for inviting me here and thank you for your kind and gracious remarks about the cooperation that existed between the executive branch and the Congress over the past several days on many issues but especially on the legislation that was agreed to yesterday.

You have asked me here today to testify in our policy toward Cuba. Before I begin, I want to convey on behalf of the Department of State and myself our deepest sympathies to the families and friends of those who lost their lives last Saturday. There was no justification for this callous act, as we have said countless times publicly and privately here and around the world, no measure will atone for their loss.

Mr. Chairman, permit me also to express on behalf of the Administration my appreciation to you, to Chairman Gilman, to other members of this committee for the spirit of cooperation which has characterized our work together over the past few days in reaching agreement yesterday on a compromise version of the Cuban Liberty and Democratic Solidarity Act. Although we have had our differences over certain elements of the bill, our shared outrage at the unlawful action of the Cuban regime in shooting down civilian aircraft in international airspace enabled us to reach common ground on tightening the embargo and promoting our overall goal of democratic change in Cuba.

As a result of perseverance and commitment, it was possible to work through our concerns with Title III of the bill. But we did, and we are satisfied that the President will have the authority, if the bill is passed by both Houses of Congress, as approved by the Conference, to suspend, if necessary, the effective date of the right of action established by Title III if he determines that it is in the national interest and will promote democracy in Cuba.

This was a reasonable compromise and I urge that the bill be passed. Such action will send an unmistakable signal to Castro and his regime that we will not tolerate behavior like the shoot downs. And it will also send a message to our friends and allies that this is an issue of utmost seriousness to the United States where the Administration will take our argument forward and seek their cooperation more effectively than in the past.

I now want to outline the President's response to the Cuban action of February 24, but before I do, let me briefly restate the facts in the context of the Administration's Cuba policy.

Last Saturday afternoon, the Cuban regime knowingly, willfully and in broad daylight shot down two unarmed civilian aircraft killing four people. Those aircraft posed no threat to the Cuban people. They were destroyed in flagrant violation of international law. To date, Cuba has offered no apology, no promise of compensation, no pledge to observe the law in the future, and no plausible justification for its actions. Rather, the regime in Havana has thrown up an array of irrelevant accusations in a transparent attempt to divert world opinion from the real issue at hand, its morally reprehensible and legally unjustified actions on February 24.

Mr. Chairman, we are prepared to answer questions about the steps taken by the Administration to discourage operators of U.S. aircraft from entering Cuban airspace without authorization. However, we must not lose sight of the principal issue, the cold-blooded murder of three American citizens, one permanent resident, by the Cuban military, a flagrant violation of international law. This action called for a rapid response by the United States.

Immediately upon learning of the tragedy, the President condemned the Cuban action in the strongest terms. He also directed the Coast Guard, supported by U.S. military forces in the area, to conduct search and rescue operations.

Secretary Christopher characterized the Cuban action as "a blatant violation of international law and a violation of the norms of civilized behavior." The Secretary announced that the President had directed U.N. Ambassador Madeleine Albright to convene an emergency session of the U.N. Security Council to discuss the incident and an appropriate international response.

This diplomatic initiative yielded rapid results because early in the morning of February 27, after heroic actions on the diplomatic front by Ambassador Albright, following an all-night session, the Council unanimously approved a Presidential statement which strongly deplored the downings and called for an early investigation by the International Civil Aviation Organization. We will cooperate fully with this investigation and demand that the Cuban Government do the same.

I should note as well that many countries around the world, including, for example, the European Union and Canada, have added their voice to that of the United States in strongly condemning the Cuban action as an inexcusable violation of international law.

With respect to the details surrounding this incident, let me briefly set the record straight. According to the full array of information available to the U.S. Government, the two aircraft were shot down in international waters at approximately 5 and 16 nautical miles, respectively, north of Cuba's 12-mile territorial limit.

The only, repeat, the only warning provided by Cuban authorities was via the Havana civilian air traffic controller as the aircraft approached the 24th parallel, roughly midway between Florida and Cuba. The Havana tower informed the pilots only that they would be in danger if they operated south of the 24th parallel. Approximately half an hour after the Havana tower's radio message, the Cuban MiG fighter fired missiles at the two planes without further warning.

Their use of lethal force against civilian aircraft in flight is a clear violation of international law and international procedures governing the interception of civilian aircraft.

On Monday, the President announced the series of unilateral measures that the United States is taking in response to the Cuban action of February 24th. These measures include suspending charter air travel to Havana, expanding the reach of Radio Marti, restricting the travel of Cuban officials to the United States and the movement of Cuban diplomats assigned to this country, and working with the Congress to make more effective pending legislation which, of course, resulted in yesterday's achievement.

We will also consult with the families of the victims about an appropriate way to press their case against the Cuban Government for its unlawful behavior. As the President stated, "These deliberate actions are the right ones at this time. They respond to Havana in a way that serves the goal of accelerating the arrival of democracy in Cuba." They can and will be implemented rapidly in coordination with the Congress and relevant government agencies.

The President did not rule out any further steps in the future should they be required. I am not going to speculate at this time as to what others might be. And any other measures will depend on circumstances but obviously our determination is very firm.

Mr. Chairman, I briefly described the actions we are taking in response to Cuba's latest provocation. Let me also say a brief word about what we are continuing to do to hasten the advent of a free and democratic Cuba, which is, of course, the aim of all Americans. We are continuing to pursue the "Support for the Cuban People" measures announced by the President last year. Indeed, we will continue to aid Cuba's brave defenders of human rights and other genuinely independent organizations, thereby helping to build the civil society that is so necessary to our goal of a peaceful transition to democracy.

Our efforts in this area are beginning to yield results. Last October a broad pro-democracy, pro-human rights umbrella coalition, the "Concilio Cubano" or "Cuban Council" was formed. The Concilio represented an historic first, the first real attempt by Cuba's small but significant domestic opposition movement to forge a courageous unity. Cuba's response was to launch a campaign of intimidation and harassment against this Concilio, to falsely brand it as a creation of the United States, and to attempt to sow seeds of disharmony by penetrating some of its constituent groups.

When these brutal efforts failed to prevent the Concilio from proceeding with plans for its first conference on February 24, the regime brutally crushed the conference by arresting over 50 of its members, two of whom have already been sentenced to harsh prison terms.

In the past week, the world has witnessed two brutally violent actions of the Cuban Government against its own people, who came together in the Concilio and against four Americans. The reasons for these desperate measures lie in Castro's need to divert the attention of his own people and the world community from the discontent of the Cuban people with their dismal economic prospects and their lack of fundamental freedoms.

It is no accident that the rafter exodus in the late summer of 1994 followed hard on the heels of the major anti-government riot of August 5 of that year. Such episodes provoked tensions between Cuba and the United States and were designed to shift world attention away from the situation on the island itself.

In closing, Mr. Chairman, let me restate the Administration's determination to take measures against Cuba in response to the killing of Americans and to actively pursue the twin objectives of the Cuban Democracy Act and the Libertad Act. To increase pressure on the Cuban Government and to support those courageous Cuban men and women struggling to make their country free.

Thank you.

[The prepared statement of Mr. Tarnoff appears in the appendix.]

Mr. BURTON. Thank you, Mr. Secretary.

Before I start my questioning, I would like to recognize Representative Danner, a new member of the committee from Missouri. We welcome you, Ms. Danner.

And do you have any opening statement you would like to make?

Ms. DANNER. Thank you, Mr. Chairman. I have no opening statement.

Mr. BURTON. Well, welcome to the committee. I hope you enjoy yourself here.

Ms. DANNER. Thank you.

Mr. BURTON. I think you will find it very interesting.

Ms. DANNER. Thank you very much.

Mr. BURTON. Especially when we have these very important Administration witnesses come up from the White House.

Mr. Secretary, this weekend we understand that the group that was flying the humanitarian missions down in the international airspace between the United States and Cuba is going to be flying down in that area again.

I would like to suggest to the Administration, and you need not respond to this, but I would like to suggest that because they are going to do that and they are going to be in international airspace, that our Air Force and naval air power be used in international airspace to make sure that there is no reoccurrence of this type of activity by the Cuban MiGs.

And so I hope you will convey that to the President and the rest of the Administration so that we do not have that kind of a security problem.

The second thing I would like to say is I received a disturbing phone call last night which I have been checking on today. And this is very, very important. I do not know if you have the answer to this, but if you do not, I hope you will get it for us as quickly as possible.

I have contacted Homestead Air Base and I was told that NORAD was aware that two MiGs took off from Cuba and was about to intercept these planes, and they asked for clearance to send up planes to intercept these MiGs and they were denied the authority to do that.

Now, if that is the case (and I am checking on it right now), and we were notified that these MiGs were going up, and that they wanted to scramble some U.S. aircraft to prevent this violent act, but they were denied that authority, then somebody needs to answer for that.

Because if Castro was sending up MiGs and we had some indication that they might shoot down innocent aircraft, and we did not scramble our planes even though they were asked for by somebody down at Homestead or at NORAD, then I want to know who asked for the authority to send those planes up and who denied the authority. Because if that is the case, then those people did not need to die and we could have stopped the MiGs from shooting those folks down.



So if you have an answer to that right now, I would like to hear it. And if you do not, I hope that you will get us that information in detail as quickly as possible.

Mr. TARNOFF. Mr. Chairman, I would like to comment on your first point as well very briefly, if I might.

Regarding the second point, I have no information whatsoever on that, but we will immediately contact the relevant department and agencies and provide you with what we have, but this is the first I have heard of it.

On your first point, let me say that we all understand why families and friends want to hold services for their lost loved ones, and the President, of course, on behalf of everyone in the Administration, I think everyone in the country, expressed his heartfelt condolences to them.

We also recognize that there are special circumstances created in the Straits as a result of the murderous action of the Cuban Government last weekend. The matter is under quite active consideration and I expect that by the end of the day we will have some announcements to make in that regard.

Mr. BURTON. Very good. Let me just follow up with my comment.

I talked to some people at the Homestead Air Base this morning and they told me they were aware of what I was asking them about. They indicated to me that indeed that was the case, and I asked them to give me more facts as quickly as possible. They are doing that, but they may not be in a position to give us a detailed explanation as to why they were denied authority to scramble planes and send them up to intercept those MiGs. And that is the thing we need to know about.

If we had a policy that denied our air power, whether it is naval or Air Force, to go up and intercept or engage Fidel Castro's MiGs when they went into international airspace, then we need to know why. Not just because of these people who were shot down tragically, but we need to know why we did not have planes up there to intercept them. It is only 90 miles, and when you are going 600 miles an hour in a MiG, you can be in Miami in no time.

And if they were where those planes went up, and I have been told that we were, and if they asked for the authority to intercept those planes with our air power and they were denied, then for national security purposes we need to know why, because that is a policy that needs to be changed very, very quickly.

Because we have got a nut down there. Fidel Castro if he really starts feeling the pain that we are trying to inflict upon him economically, may not only send people out by the thousands into the ocean to try to use them as pawns in this war with the United States, but he may, as a last resort, try to send one of his MiGs to Miami or someplace else with some kind of a device that could kill a lot of people.

And so we really need to have an answer as to why they were denied the authority to go up and intercept those MiGs in international airspace.

I will not pursue that any further, but I hope you will get that answer to us just as quickly as possible. I think it is very, very important, and I think not only does the International Operations Committee have an interest in this, I believe the Armed Services

Committee has an interest and probably everybody in the Congress of the United States.

And with that, I will be happy to yield to my colleague from New Jersey, Bob Menendez.

Mr. MENENDEZ. Thank you, Mr. Chairman.

Mr. Secretary, I just want to go through some things with you if I may.

Just so we understand, in recitation of the facts, is it my understanding that it is international law that each country has a 12-mile zone from the boundaries of its borders in the context of what is considered airspace that is sovereign to that country?

Mr. TARNOFF. That is correct.

Mr. MENENDEZ. And that is its limitations. It is the same for Cuba as it is for the United States, is it not?

Mr. TARNOFF. That is correct.

Mr. MENENDEZ. And when you say that the two planes, the two U.S. civilian planes that were shot down, that one was 5 nautical miles from that boundary, you mean that it was 17 miles from the coastline of Cuba, is that correct to say?

Mr. TARNOFF. That is correct.

Mr. MENENDEZ. And when you say that the other was 16 nautical miles from that space, in essence, it would be 28 nautical miles from the coastline of Cuba?

Mr. TARNOFF. That is correct.

Mr. MENENDEZ. And so hence, far, far from anywhere near the airspace that all countries, all civilized countries of the world, all who respect the international rule of law, recognize as space that would be international airspace?

Mr. TARNOFF. That is right.

Mr. MENENDEZ. Now, some of us here have stated for some time that we all seek peaceful democratic change within Cuba. But we have always said that only Castro can make change in Cuba violent.

Now, is that not a fact that based upon what not only the loss of these lives of American citizens, but what you alluded to before with Concilio Cubano, which is an umbrella group of 120 organizations who are committed to peaceful democratic change, am I correct in that?

Mr. TARNOFF. You are correct.

Mr. MENENDEZ. That that is their stated objective.

Mr. TARNOFF. That is correct.

Mr. MENENDEZ. Within the island of Cuba, these are Cuban nationals, promoting peaceful democratic change, their only goal was to have a national reunion.

Mr. TARNOFF. That is right.

Mr. MENENDEZ. And the result of that national reunion for peaceful purposes, something that we cherish here in the United States, the right to assemble guaranteed to us, which we do all the time, and sometimes we forget about how fundamental and important that right is to us, resulted in 100 arrests or so, I understand.

Mr. TARNOFF. That is correct.

Mr. MENENDEZ. People who are in jail.

Mr. TARNOFF. That is correct.

Mr. MENENDEZ. People who have been under house arrest, who may not necessarily be in jail.

Mr. TARNOFF. That is correct.

Mr. MENENDEZ. And are you also aware of reports that I have received that among women in this group, they were strip searched to intimidate them from participating with this organization.

Mr. TARNOFF. I have seen those reports.

Mr. MENENDEZ. Now, would you consider that a peaceful response by the Cuban regime to a peaceful petition to have a national reunion?

Mr. TARNOFF. Not at all. That is why I described it as one of two extremely brutal and vicious acts of that government that took place over the past weekend.

Mr. MENENDEZ. And hence, what I am trying to portray here to my colleagues, and not my colleagues who are sitting here obviously, but to many who have questioned Castro's brutality that even in an attempt for peaceful democratic change, men and women of a country who simply want to meet to talk about how they move in a peaceful process toward democratic change are brutally suppressed.

And the response to them is to arrest them. As a matter of fact, I spoke to one of the leaders in Cuba before, on the day that he was arrested. After my conversation with him, he was subsequently arrested. He has since been swiftly sentenced to a year and a half in jail. What is his crime? Talking to me?

So I hope that our State Department will come to understand, and I hope the Members of Congress who seem to find any way to justify Castro. They visit Cuba, they meet with Castro, they have a cigar with him, and our corporate executives, I wish they would be here later to talk to the families of these people and say why doing business with Castro is a good idea.

And then they come back and we do not hear them say anything and we also do not hear those voices condemn the killing of U.S. citizens, and then we hear a switch of events in which what we are saying is that in fact the U.S. Government somehow is at fault. It is amazing to me.

Let me end my statement by asking a question. I hope that in fact we begin to understand Castro for what he is, not what we hope him to be. Not with the romanticism that some in this country believe he is. You know, you can come here and you can try to create a charade with the press, but the bottom line is he has shown himself that he will use his force, the third largest army in all of the Western Hemisphere to go ahead and repress civilians. And he has crossed the line now in killing American citizens.

My question is what is the United States ready to do to preserve the international rule of law and the recognition that in fact our citizens have a right to fly in international airspace without the concern that they will be clay pigeons for some MiG fighters from the Cuba air force who think that it is brave to go down and shoot innocent civilians? What are we ready to do?

I have heard some comments and I think Mr. Nuccio has in a previous session taken some of my concerns away, but I have heard comments, because we are having a public hearing now—I have heard some comments that we are going to restrict our civilian air-

craft in international airspace. If we do, then Castro has dictated—forget about international norms and international law—he has dictated what our airspace can be.

And if that starts happening, if the U.S. Government permits anyone to start saying, well, international airspace is no longer 12 miles, it is whatever I want to make it to be, then we have a serious problem.

So what are we ready to do?

Mr. TARNOFF. Congressman, let me respond in two ways. First of all, by briefly recapitulating some of the things we are doing internationally, and then some of the things we are doing directly which the United States can control.

Internationally, as I mentioned, at the United Nations we have already gotten the President's statement. Ambassador Albright is actively pursuing discussions with other nations to get them to understand that there has to be a sanctions regime on Cuba as a result of this. She has, I think, gotten more understanding of the nature of this regime as a result of the tragic events of the 24th of this month than would have been the case before.

In a whole range of other international instances we are also pressing our case. There is a meeting of the U.N. Human Rights Commission starting in mid March in Geneva, where the United States has in the past and will again this year lead the international community to deliberate the case of Cuba and to introduce a stronger condemnation of Cuba, and there are various other international organizations where I think as a result of these incidents, both the shoot down of the American planes and the repression of the Concilio Cubano, people are at least beginning to hear us in ways that simply were not the case before.

In terms of what the United States can do, the President believes and we, of course, support the measures that he has announced, but he has said very firmly, as I quoted in my statement, that he is not ruling out further measures. He is making clear to not only the citizens of this country but to the leadership of Cuba that not only was it a serious violation of international law, but that he will use whatever means he deems necessary to preserve the rights of American citizens both in international law and international waters. And he is very determined to do so, and I am sure that the message is being received seriously in Havana. If it is not, there will be some very serious consequences, I am afraid, if they were to try to re-initiate actions of this sort again.

Mr. BURTON. Representative Ros-Lehtinen.

Ms. ROS-LEHTINEN. Thank you, Mr. Chairman.

We have just been beeped with a vote, so I will do my question and then maybe we will have to recess and come back.

But I thank you, Mr. Secretary, for a very strong statement against the Castro regime. And I appreciate especially the paragraph about the President not ruling out any further steps in the future should they be required. I do not wish to speculate at this time as to what other measures might be taken, as any such measures will depend on circumstances.

As you know, we will be having a classified briefing later this afternoon to talk about these circumstances and what the U.S. response should be. Some of us would hope that those kinds of meas-

ures would be similar to those taken in Haiti, for example, when we had the naval blockade, and there was no refugee crisis, and at the same time General Cedras was not able to get oil and other supplies that he needed to keep himself in power and an international embargo. We hope that those are among the measures that the Administration is considering.

But thank you very much for a very strong statement.

I had a question that perhaps you might not know yourself but other individuals behind you might know.

I understand that when the Cuban Foreign Minister arrived in New York to attend the Security Council session earlier this week, he traveled on a privately chartered jet from Mexico City, and I would like to ask you if the normal clearance procedures, procedures which we insist even our closest allies should comply with, were followed for the Foreign Minister's flight to the United States, and if not, why not, since this hearing is precisely all about the proper procedures for aircraft complying with appropriate national/international regulations and laws.

And as you know, as a routine, the State Department requires all such aircraft, whether they are from the Queen of England or the President of France, to obtain authorization through the submission of a diplomatic note, either to the U.S. embassy in the country concerned or its embassy here in Washington. Our indication has been that no such notification was given. They failed to submit the required diplomatic note seeking U.S. authorization.

And when the authorities learned about this, they determined that to do anything such as fining them, turning them back, impounding the plane, would complicate things at the United Nations and might lead to charges against the United States at the International Civil Aviation Organization. And so we refused to take any action.

You probably do not have any information yourself, but I would appreciate it if perhaps the individuals behind you might have some information. This is information which we have received, and we were wondering if we are not following our proper procedures when it comes to Castro officials, and if we are trusting them in private aircraft landing here.

Mr. TARNOFF. Congresswoman, I do not have that information offhand. Let me see whether the two representatives of the FAA who are here would have that available, otherwise we will respond during the course of the afternoon.

Yes, may I introduce—

Ms. ROS-LEHTINEN. It is our understanding that the State Department would have that authorization and not the FAA. But go ahead.

Mr. GARAUFIS. The sole responsibility of the FAA—my name is Nicholas G. Garaufis. I am chief counsel of the FAA. Our responsibility is the safety of the airplane which enters into our airspace. And the issue of who is on that airplane is not a matter over which the FAA has jurisdiction.

Ms. ROS-LEHTINEN. Correct. So I would just like to clarify that. I would like the State Department official—

Mr. GARAUFIS. Right.

Mr. TARNOFF. I would like Mr. Nuccio, Mr. Chairman, to clarify the State Department's—

Mr. NUCCIO. No.

Mr. TARNOFF. All right. Mr. Nuccio does not have the information. We will get that to you this afternoon—in the course of the afternoon.

Ms. ROS-LEHTINEN. I'm sorry. What was that, Mr. Tarnoff?

Mr. TARNOFF. I am sorry. Mr. Nuccio does not have the response immediately available.

Ms. ROS-LEHTINEN. Well, I am not sure, as much as we like and respect and admire Mr. Nuccio, he is not technically the right person, I do not think. Perhaps the State Department folks on your other side there might know.

Mr. TARNOFF. Congresswoman, I have some questions about what I have just heard, and with your permission I would like to get you a more considered response.

Ms. ROS-LEHTINEN. No problem.

Thank you, Mr. Tarnoff.

Mr. BURTON. Secretary Tarnoff, if you would not mind, we are going to recess now and come right back. And we would appreciate it if you could stay for a little longer.

Mr. TARNOFF. Of course.

Mr. BURTON. We hate to hold you up. But this question goes along with what I asked earlier about going into international airspace with military aircraft or coming into our airspace. So I think it kind of follows along the same line.

So if you could get that to us as quickly as possible.

Mr. TARNOFF. Sure.

Mr. BURTON. We will stand in recess for about 10 minutes.

[Recess.]

Mr. LEACH [PRESIDING]. The committee will reconvene.

Let me explain. Congressman Burton and Ms. Ros-Lehtinen have obligations to an Appropriations Committee meeting for the next 15 minutes or so, and they will be returning shortly. But they have asked me to take the chair to continue the hearing.

And we are honored to have you, of course, Secretary Tarnoff.

Mr. TARNOFF. Thank you, Mr. Chairman.

Mr. LEACH. And we appreciate your presence.

I have just a couple of questions and they relate partly to meanings of acts, that is, in and of themselves. This was a very cruel act. In International Affairs, sometimes we talk about acts having messages. Is it a message to the American people? Is it a message to the Cuban people?

I am struck that what we have seen in recent months, whether we hope this would occur or not, and obviously we hoped it would not occur, a crackdown in Cuba, was this an instance in the Department of State's judgment where the message is to the Cubans, that if with impunity Fidel Castro can kill American citizens in international waters, what does that apply for the potential capricious dictatorship on the island itself? And how does the Department look at this?

And then in that context, and then one further context, it strikes me this group of new American citizens was doing something fairly heroic, trying to save lives.

On the other hand, to the degree in the past that there has been any step beyond that, they attempted to do something that all dictatorships hate the worst, and that is to attempt to bring truth to the island, that is, they in effect bomb some highways with literature, which is probably a crueller attack on a dictatorship than bombing with bombs.

And my only query to you is how does the Department interpret this? Is this a message to us? Is it a message to the Cuban people themselves?

Mr. TARNOFF. Well, Mr. Chairman, let me try to speculate a bit on the two points that you raised. You understand that it is very difficult for us to anticipate what Castro will do or even to assess his motives. But on your first point, what the incursion or the threat of an incursion might have meant to him and whether this was targeted against Americans so as to send a signal to the Cuban people, I think that both the acts against our citizens, our friends, on Saturday and the repression of the Concilio movement coincidentally probably on that same day demonstrate that his absolute need for total and dictatorial control is unbending and unending after almost 37 years.

They demonstrate that any perceived breach either in the kind of discipline he wants to impose, any perceived breach in the information that his people receive (and you are right, in the past, some of the Brothers' flights did distribute information over Cuba), any perceived breach in the type of regimentation that he imposes on his own people, which was challenged albeit modestly and peacefully by the Concilio, represents for him an immense threat.

And, I think that since he is not unmindful of developments around the world, and he also realizes that despite some differences over the tactics of ways governments deal with him, there is a virtually universal view, even from countries who trade with Cuba and invite Castro to their shores, that this is an anomalous brutal regime which must come to an end. So I think also his sense of isolation leads to the desperate acts that we saw over the weekend.

On your second question, I am not sure that I can respond by saying much more than that the motives of those people in this organization, who as you correctly pointed out, originally came together in 1991 for purely humanitarian reasons, demonstrate their care for people who were seeking to leave Cuba is absolutely unquestioned. And therefore we continue to believe that their motives then and now are of the highest order because they did want to, for humanitarian reasons, for information reasons, try to make at least some contribution to the opening up of Cuba and the saving of lives in Cuba.

Mr. LEACH. Well, let me ask from another perspective. I mean everybody that looks at Cuba pretty well understands that no decision of any significance whatsoever is made without the input of the President. And so we have a strong assumption that the President himself directed this, and there is no doubt about that, is that correct?

Mr. TARNOFF. That is correct. I cannot imagine a decision of this magnitude being taken without it.

Mr. LEACH. Beyond that, we had this extraordinary event, that approximately a month earlier a retired American admiral, Gene Carroll, visited with Mr. Castro, and Mr. Castro asked what would be the American response if planes were shot down, is that correct?

Mr. TARNOFF. That is the account that Admiral Carroll gave us, yes.

Mr. LEACH. And who did he give this account to?

Mr. TARNOFF. He gave that possibly to many, but among others, people in the State Department.

Mr. LEACH. Did the people in the State Department, upon receiving this account, either make a demarche to Mr. Castro or inform the Brothers?

Mr. TARNOFF. Yes, both. But we have been receiving messages in different forms, including from people who have seen Castro for quite some time. And we have done both of the things that you suggested.

Starting last summer, not only representatives of the FAA but State Department officials have been meeting with Mr. Basulto and the Brothers to make sure that they understood the kinds of reactions that we were detecting in Havana, both publicly and privately. And at the same time, we were making from last summer as strong as possible representations in Havana as well as publicly, warning the Cuban Government that there were international responsibilities, international law, international procedures, for dealing with such matters.

Mr. LEACH. But very specifically then the Admiral Carroll conversation was followed up with the Brothers. Is that correct?

Mr. TARNOFF. I do not remember whether his conversation referred to the Brothers incident in February or the January 17 incident?

Mr. LEACH. Well, no. I am not referring to an incident.

Mr. TARNOFF. I am sorry.

Mr. LEACH. I am referring to Admiral Carroll's return with his conversation.

Mr. TARNOFF. Yes.

Mr. LEACH. Did he inform the Department of State and others?

Mr. TARNOFF. Yes.

Mr. LEACH. Did the Department of State or anyone in the U.S. Government formally inform the Brothers of this conversation? And did you make a demarche in the aftermath of it to the Cuban Government about the issue itself?

Mr. TARNOFF. Yes.

Mr. LEACH. Yes to both?

Mr. TARNOFF. Yes.

Mr. LEACH. OK. Well, I have no further questions. I would say that this is an issue of reinforcing dimensions. That is, anyone that has looked to Cuba for long periods of time understands the difficulties of single-headed states. And it is an American issue. It is not one that is necessarily appropriate for there to be huge differences in how the public policy should respond.

But I would just simply say as someone that has met with Castro, I have never had the slightest doubt that he could conceivably relinquish any power in any manner to anybody else. And that is



the difficulty we are going to be dealing with for a long time to come.

What this incident to me symbolizes is the impunity with which he thinks he can exercise power. We all have to recognize that these were U.S. citizens killed in a humanitarian mission and that that has to solidify any instinct we might have at this time to do anything except be fairly firm with Mr. Castro.

Mr. TARNOFF. I understand.

Mr. LEACH. Mr. Menendez, do you have a question?

Oh, please, go ahead.

Mr. ENGEL. Thank you, Mr. Chairman.

Let me first say, Mr. Secretary, that I want to commend you personally for the work that you are doing, not only in this matter but in all matters. Those of us in the committee have worked closely with you and I think that personal compliments are certainly in order.

Let me also say that I certainly compliment the Administration for its reaction to this heinous act. I am a sponsor of the Helms-Burton bill and I am delighted that negotiations have concluded successfully with the White House for Congress to pass a good version of the bill and to have the President sign it. I think that Castro needs to understand that the American response is swift and that it is not bogged down in political in-fighting. That it has bipartisan support in both parties. And I think that if anyone doubted the brutality of the Castro regime, I think nothing points it out more, as you said in your testimony, than the events of the past few weeks.

First of all, of course, the tragic horrendous outrageous—I cannot think of enough terrible adjectives to use, shooting down of the planes and also Castro's pressure on Concilio Cubano, shows that leopards really do not change their spots when it is Castro and that he is as brutal a repressor in the 1990's as he was in the 1980's, 1970's and 1960's. I think that the arrogance with which the planes were shot down, the vulgarities that were uttered by the people that shot the planes down showed complete disregard for human life.

What is really astonishing to me is that Castro had to have known that the U.S.' response to this would be swift, that we could not sit by and allow this kind of thing happen to American citizens, American-chartered planes, and you wonder how he could have miscalculated so badly with something like this.

I am wondering if you could comment on that, and then I have a couple of other questions.

Mr. TARNOFF. Congressman, I come back to something that I was saying in a somewhat different context to Chairman Leach. While it is difficult to really understand what is going on in his mind and his ways, I think that as time has gone on, as he feels himself, as he must, increasingly isolated around the world, despite the reception he gets in social circuits or even diplomatic meetings, and the fact that his own economy, despite some very marginal attempts to reform it, is still in desperate straits, lead him not to realize that his almost 37 years in power have been an absolute failure, and therefore his legacy should be one of opening and reform, and actually leaving the scene, which is the only way, but, on the contrary,

I think there is every indication that his reaction is to tighten up, to tighten controls, and therefore whether it be the Concilio Cubano, or unarmed American aircraft, his reaction is basically the same, repress, shoot down, kill if necessary.

Mr. ENGEL. You know, for some critics who say that we ought to change our policies toward Cuba, that the most effective way of bringing down Castro or bringing democracy to Cuba is not the way the United States is going about it, I would just tell them to look at the events of the past few weeks.

And I want to say what I have said so many times before, that I believe that we finally have Castro on the ropes. I believe that the Soviet Union had propped him up artificially for so many years, and now that there is no longer a Soviet Union, I think he is on the ropes, and I do not know why we would want to throw him a life preserver at this point. I think that clearly what he has done is show again that leopards do not change their spots.

I also want to say that I am very happy that the Administration, the President, has agreed to expand Radio Marti. I have been a supporter of Radio Marti for many years, and we have fought against cutbacks, against the possibility of eliminating it.

I think the way Radio Free Europe worked with Eastern Europe in helping to bring down the Communist bloc nations there, I think Radio Marti is an effective tool in, first of all, getting the truth to the Cuban people about what is really happening, and, second, in helping to bring down the Castro regime and democratize Cuba. So I am delighted that that is happening as well.

I wanted to ask you if you could tell us a little more about one Pablo Roque, who showed up in Cuba, apparently was infiltrating Brothers to the Rescue. Is there anything—we have heard so many conflicting reports about it on the radio and television, I am wondering if you could enlighten us about that.

Mr. TARNOFF. Congressman, I am afraid all that I can say in this setting is that the FBI has acknowledged that he was a source and that I am afraid that given the nature of his activities, I am not able to go into any more detail in this setting.

Mr. ENGEL. OK. Well, let me then just say that, again, if anyone had any doubts about Castro trying to infiltrate groups that are trying to liberate his dictatorship, liberate the island of Cuba, I think one only needs to look at one Pablo Roque. There are probably many, many more like him. This brutal dictator has not changed his spots one iota.

And, again, let me congratulate you and the President and the Administration for the swift response.

Mr. TARNOFF. Thank you.

Mr. LEACH. Mr. Menendez.

Mr. MENENDEZ. Mr. Chairman, if permissible, I did have a chance earlier, but I have one or two more questions.

Mr. LEACH. Please, go right ahead. You are recognized.

Mr. MENENDEZ. Thank you.

Mr. Secretary, I do not know if you can answer this question in this context, but I have said it, so I am going to say it again—I have said that this is premeditated murder.

Now, as a lawyer, premeditated means that you plan it out. If you join the facts of Juan Pablo Roque that Congressman Engel

just described, someone who is sent by the Castro regime to infiltrate Brothers to the Rescue, if in fact he knew the flight mission, which he did—Mr. Basulto has said so—of what was going to happen, and he leaves the day before and returns to Cuba, to me that means that he told the Castro regime that there was a mission, a search and rescue mission, that was going to take place.

And then you have the preceding fact of Mr. Carroll, former retired general, who is asked by Cuba, "What do you think the U.S.' response would be to the downing of such a plane?" And it does not take a lot to put together—it does not take Clarence Darrow to understand that what was going on here is the premeditation of thinking about such a response to Brothers to the Rescue, and then having an infiltrator who gives them the information that sets them up and then leaves the day before the mission.

Would you not believe that based on those circumstances, this is premeditated?

Mr. TARNOFF. I think the evidence is very strong, Congressman. And going back to the events of January, when as you remember, as we all do, several of the Brothers' flights overflowed Cuba, there was increasing evidence by virtue of the way the Cuban military was communicating and exercising, the warnings that we have talked about, that a decision had been made probably more than a month before the actual incident of last Saturday, that Cuba had decided that in any further instance the Cubans were going to shoot down a plane.

Now, we could not be sure at the time. Some of this might have been interpreted as bluff, but that is why in all sorts of conversations, and communications with the Cubans, we made sure that they understood how serious this was. I think the evidence for premeditation, advance planning, is very clear.

Mr. MENENDEZ. Also from what we know of the command structure in Cuba, is it not unlikely that such an order would be given at a low level? That in fact while the transcripts say the MiGs asked the tower for permission to fire upon the civilian planes, is it not a fact that we know the command structure in Cuba, and would it not have been likely that that command structure at the highest levels would have had to have given an order prior to, in the context of premeditation, to make such an incident, to create such an incident?

Mr. TARNOFF. Very likely. And even if, for one reason or another, the highest level was not available in the necessary time, I would assume that there was a standing order that the people on the ground, those who authorized the shoot down, had very much in mind, probably in front of them in written form, that this was the order that they were supposed to give in case of an incident like this. And that order can only come from one person.

Mr. MENENDEZ. One final question. The United Nations is an international organization that promotes the rule of law and the observance of international law.

Do you not think that as a minimum sanction, as a minimum sanction, the United Nations should freeze any moneys going to Cuba that comes from it or its other organizations within it until Cuba can prove that it observes the rule of law?

I find it difficult, and I think the American public would find it difficult to comprehend, that an organization that promotes the rule of international law would condemn the actions of a country and then continue to prize it by giving it resources until that country is willing to acknowledge that it was wrong, willing to acknowledge, to make compensation, although for Cubans, and I am sure when we hear from the families today, this is not a question of money. It is not a question of compensation. It is a question of justice.

The fact of the matter is do you not think that the United Nations as a minimum should freeze its moneys to Cuba until it can abide by international law?

Mr. TARNOFF. As I indicated earlier, Ambassador Albright is pursuing the exploration of sanctions, including various measures that we believe are tied most directly to this particular act.

That is a useful thought in that regard. I am not aware of how much U.N. support is going to Cuba at this point, but I will talk to Ambassador Albright about that, to make that point.

Mr. MENENDEZ. I can assure you it is a significant amount of money that is going to a wide variety of programs.

And let me just finally say, as we were condemning the crack-down of Concilio Cubano, as the President rightfully did and should have done, we gave visas to a group of individuals to come here during that week in which we were condemning the violation of human rights within Cuba, to a series of organizations and individuals from Cuba to come to the United States, including people from the Center for the Study of the Americas, which everyone knows is in fact comprised of individuals who are state security for the Cuban regime. And they came to a conference nonetheless of human rights here in the United States.

Is that not somewhat ironic?

Mr. TARNOFF. Again, I am not familiar with those specific cases.

I am not justifying this particular case or these activities which I am not familiar with, but let me say that despite the acts of violence and brutality that we have all been talking about, and joint congressional and executive branch action in recent days, we still believe, as I indicated in my testimony, that it is important to have select communication with Cubans there and here. Because we feel that there are people who it is important for the United States to listen to. It is important for certain Cubans to hear things in this country they might not hear elsewhere. And it is obviously very dramatically important for us to support the brave men and women striving for democracy on the island.

So that while I have no particular comment on the case you talk about, I think there is a general proposition.

Mr. MENENDEZ. There is no question about it, Mr. Chairman. I would just urge you that when we give visas, study who you are giving a visa to. The Center for the Americas in Havana, if you check with your intelligence sources, are individuals who are comprised of state security. And therefore, they certainly are not going to be promoting rules of law, democracy and a respect for human rights.

Mr. LEACH. I would like to end with just one question, and then we will bring on the next panel.

But Admiral Carroll comes back with a message that Castro asked a question of rather profound significance. You indicate that our government indicated to him, or to the Cuban Government, we would be gravely concerned.

Why do you think Castro would respond in the way he did if the U.S. Government intervened to say this would be despicable, which I presume which is what we would have indicated? Does he have no respect for this Administration, to the American people? Why would not he take this Administration seriously?

Mr. TARNOFF. I think, Mr. Chairman, he has every reason, based on our actions, to take us seriously, but I think if he is ultimately faced with a challenge to his control in the form of Concilio or the Brothers or a myriad of other activities which he would regard as regime-threatening, on the one hand, and a very strong reaction from the United States, or a strong reaction from the international community on the other, even if the international community were to rally to the United States' position on Cuba and on sanctions and embargoes toward Cuba, he would choose to retain control. And I am convinced that he will always make that choice, and I assume that is what was reflected in his decision that led to the tragic events of last Saturday.

Mr. LEACH. Well, I appreciate your testimony and on behalf of the committee, I would like to ask other members if they wish to have written questions the Department could respond to.

Mr. TARNOFF. Sure.

Mr. LEACH. Then we thank you for your testimony.

The committee is in recess pending the empaneling of the next group of witnesses.

Mr. TARNOFF. Thank you, Mr. Chairman.

[Recess.]

Ms. ROS-LEHTINEN [PRESIDING]. The committee will once again begin deliberations on the shoot down of U.S. civilian aircraft by the Castro regime.

We will be hearing from our next set of panelists, the relatives of the victims of the atrocity by Fidel Castro, Richard Mendez, a brother-in-law of Carlos Alberto Costa; Marlene Alejandre, the daughter of Armando Alejandre, Jr.; Michael de la Pena, the brother of Mario de la Pena; and Edilfa Perez, cousin of Pablo Morales.

We thank the witnesses for being here today. We look forward to your testimony. We have a vote. We will vote and come back.

So the committee will be in recess pending the call of the chair. Thank you.

[Recess.]

Ms. ROS-LEHTINEN. The committee will once again begin its deliberations. We are once again pleased to have these very important witnesses here with us this afternoon.

We are going to be calling the rest of the members of the committee to see if they could join us to hear this powerful testimony.

To begin the panelists, we will have Mr. Richard Mendez, the brother-in-law of one of the pilots, Carlos Alberto Costa.

Mr. Mendez. You are recognized.

**STATEMENT OF RICHARD MENDEZ, BROTHER-IN-LAW OF CARLOS ALBERTO COSTA; ACCOMPANIED BY MARLENE ALEJANDRE, DAUGHTER OF ARMANDO ALEJANDRE; AND MICHAEL DE LA PENA, BROTHER OF MARIO DE LA PENA; AND EDILFA PEREZ, COUSIN OF PABLO MORALES**

**STATEMENT OF RICHARD MENDEZ**

Mr. MENDEZ. Thank you, Ms. Chairperson and distinguished Members of Congress. Thank you for this opportunity.

I have been requested by Carlos' family to read into the record his parents' thoughts and feelings regarding this unforgivable and never-to-be-forgotten tragedy.

I was more than his brother-in-law, as I had first met Carlos when he was only 6 years old. He has been to my wife and sister an older son who became more than an uncle to our three children. I cannot express the grief and pain our children are going through right now.

But the most heartbreaking agony is watching my father-in-law and mother-in-law deal with their desperation and anxiety in trying to deal without their son.

As I read their statement, I pray that this great nation and the rest of the world not only hears, but more importantly, listens and understands why it is imperative to put an end to all the suffering created by the Cuban Government for almost four decades. And to comprehend the ruthlessness of Cuba's officials.

I will now read their statement.

"Dear Members of Congress. I wish to address the Foreign Relations Committee of the U.S. Congress and pray that all of you persons will listen to my cry. I ask for help in order to stop these cold-blooded premeditated assassinations by Fidel Castro and his regime once and for all.

There are no words to describe the suffering that a mother such as myself can experience from such a loss. The only analogy that I can make for such an unjustified crime is as if a defenseless baby was beaten incessantly with a baseball bat.

There is enough evidence to prove that this was an unnecessary and barbaric act. I hope that all of you who have families will agree and understand that there is no justification for such a heinous crime.

It is time to enforce severe measures against Fidel Castro and his dictatorship. I believe that the United States has given Castro too much time in this matter to prepare his reply and plan his coverups.

I understand that President Clinton has taken steps against the Cuban Government by new sanctions. However, as a mother and on behalf of the other mothers, this is not enough.

I ask for a total blockade against Cuba, not only from the United States but from all nations of the world. I ask for the shutdown of the enumerable agencies in Miami who provide assistance in sending money, packages and arrange travel, all aiding to Cuba's economy. I ask that any Cuban-American or permanent resident of the United States be prohibited to travel to Cuba and/or return to the United States if returning from Cuba through a third country.

By taking these measures, I believe that Cuba's Communist Government will finally dissolve itself, a government which has suppressed human rights for the past 37 years.

As a Cuban-American, I have suffered watching the many Cuban representatives, such as Richard Alarcon, give explanations trying to justify his act by telling countless lies.

Although we understand the legality behind the issue of compensation for the loss of our son, there is no money in this world that can replace our loved ones. However, we believe a proper use of utilizing Cuba's frozen assets is for the establishment of a reward fund to bring everyone involved in this cold-blooded murder to justice.

And we formally request the U.S. Government to launch a full investigation and subsequent formal prosecution of the murder of Carlos Alberto Costa, a born and raised American, and his three companions.

Finally, as the mother of Carlos, I am grateful and understand the initial measures taken by President Clinton; however, I hope that these will not be the only measures taken so that my son's life and that of his three friends will not have been taken in vain."

Finally, I would like to read into the record a letter that was sent by Steve Clark, mayor of Miami, to President Clinton.

"Dear President Clinton. Years ago, President Theodore Roosevelt warned that in order for the United States to be the leader of the free world, it must walk softly and carry a big stick. After spending 36 years of subtly dealing with Cuban dictator Fidel Castro, and finally in light of the criminal actions taken by the Cuban air force in shooting down two unarmed Brothers to the Rescue aircraft on a humanitarian mission, the time has come for Washington to take strident action.

I urge the U.S. Government, in conjunction with the United Nations, and its affiliated organizations, to impart a full-scale international blockade against the Cuban Government. This blockade must encompass cancellation of all U.S. flights to Cuba and immediate neutralization of all means of economic transmittal from the United States to Cuba that helped to fortify Castro's regime.

Mr. President, I support all measures to liberate Cuba. This present situation calls for more than verbal condemnation. It is essential that we pose a united front against the tyranny of the Cuban Government. Sincerely, Steve Clark, mayor of the city of Miami."

Thank you.

Ms. ROS-LEHTINEN. Thank you very much Mr. Mendez.

We will enter all of those documents in the public record. And we will also make sure that the Administration receives any of the testimony that you have presented to us today and that goes for the other members of the panel. I know that I have here several letters that you have written to the President of the United States, and we will make sure that he will receive that correspondence.

I would like to point out that we have been joined in the audience by Metro Dade Commissioner Miguel Diaz de la Portilla, and we welcome him here today. Also here are Mr. Gene Miranda, an anti-Castro activist and many others. We welcome all of you to our committee.

I know that the next person that I will introduce is going to have a very difficult time getting through her testimony.

And take your time, Marlene, as you read your statement.

I would like to introduce Marlene Alejandre, the daughter of Armando Alejandre, Jr.

Marlene.

### STATEMENT OF MARLENE ALEJANDRE, DAUGHTER OF ARMANDO ALEJANDRE

Ms. ALEJANDRE. Dear Chairman and members of the committee.

I thank you for giving me the opportunity to speak before you today.

My name is Marlene Alejandre. I was born in Miami, Florida, where I have lived all my life. I am 18 years old and a freshman at the University of Florida.

I am here to speak on behalf of my father, Armando Alejandre, who last Saturday was murdered by the Cuban Government while flying a humanitarian mission in a small unarmed civilian aircraft over international waters. I want to tell you what kind of man he was and what he stood for.

My father was the smartest, most generous, funny and charming man I have ever known. Everybody loved my father, who was always cracking jokes and playing around with my friends, cousins, and even with the adults. I used to always say he was 45 going on 8. It was impossible not to love him.

With my father I never had to be perfect. I only had to be myself, his little girl. I am an only child and he used to say that if he would have known how amazing I was going to turn out, he would have had 10 more little girls.

I always complained about not having any brothers and sisters, but I do not think I would have been able to share his love with any others.

My dad was a U.S. marine who volunteered to fight in Vietnam and defended the Nation which he adopted and which in turn adopted him. The United States was his second country, second only because he came here at age 10, when his family fled the Castro regime. He loved this country and he loved his land of birth too.

When my father became active in the fight for Cuba's freedom, I knew it was a cause that would not just fade away for him. As he began to involve himself more and more in the struggle, I was a little scared, fearing that he might get hurt, but I never believed he would die since all he was doing was helping others.

For example, he called me at school a few weeks ago to ask if he could take some of my old stuffed animals to the little children who were part of the group he was helping out in the Bahamas. He called after this trip to tell me how those toys brought huge smiles to their faces.

And it is very difficult for me to say all the beautiful things that I loved about my father because I could go on and on. I was very proud of him and it hurts me very much to think that maybe he did not realize it. As he talked about his work with the rafters in the Bahamas, he sounded like a little boy who had just learned how to tie his shoe laces or ride a bicycle. He always told me he



was the conscience of the exiled community, and until now I never really understood what he meant.

But now I do not have a daddy anymore. Although I am thankful that he died quickly, that he died a happy man doing what he thought was right and that he is now close to the Cuba he so loved, I feel we cannot allow the Cuban Government to get away with murdering him and his three companions.

I ask you to not let my father's death be in vain. I ask you not to let this atrocity go unpunished. I walk away from this experience with the thought that my father and his three companions died as heroes. I ask you to help us realize their goals and help give Carlos, Pablo, Mario and my father the farewell they deserve.

I urge you to do this by taking the strongest measures possible against the Government of Cuba.

Once again, I thank you for giving me the opportunity to speak before you.

[The prepared statement of Ms. Alejandre appears in the appendix.]

Ms. ROS-LEHTINEN. Thank you so much, Marlene. Thank you for that very emotional and heartfelt testimony.

We will now hear from Michael de la Pena, the brother of Mario de la Pena.

Michael.

#### **STATEMENT OF MICHAEL DE LA PENNA, BROTHER OF MARIO DE LA PENNA**

Mr. DE LA PENNA. I have asked for the opportunity to speak here today in order to present to you who my brother was, Mario de la Pena. The truth will speak for itself. I ask for your patience in listening.

To open my statement, I would first like to point out that there are many professionals in our society, firefighters, people in crime prevention, people who work for the National Guard and the Red Cross, and many others that are worthy of my mentioning, who consciously volunteer to put their lives at risk because they feel a need to restore a piece of humanity.

This is who my brother was. This is what he was doing. He was a humanitarian to the fullest, who always discouraged acts of violence. He was also a native-born American who fully believed in the American principles of truth, justice and freedom.

Mario first flew with Brothers to the Rescue as an observer. During one of these flights, he felt overwhelmed when he spotted a couple younger than he was floating adrift on the ocean in a makeshift raft with no supplies to sustain themselves. The Brothers to the Rescue tossed them water, a two-way radio, and flares. They radioed the Coast Guard with their coordinates and this young couple was rescued and taken into the United States to begin a new life.

August 16, 1994, was the day that my brother first volunteered his time and talents as a pilot flying with Brothers to the Rescue. There are many days after that when he helped spot rafters stranded in international waters along the Florida straits and helped bring them to safety.

On February 24, 1996, my brother Mario was flying on a search-and-rescue mission with Brothers to the Rescue in hopes of saving another life. They flew three Cessna Skymasters that day with two volunteers in each plane. These are twin propeller-driven civilian planes that seat a maximum of four people. Their mission was the same as it had been every Saturday, flying the Florida straits outside of Cuban airspace in order to supply stranded rafters with life-saving provisions.

The difference this time was the planes were met with two MiG fighter jets from the Cuban air force. Two missiles were fired destroying two of the planes, one piloted by my brother Mario. The third was able to escape. With the coordinates confirmed by witnesses, the pilot who escaped and by records from radar tracking, the Coast Guard immediately started a search operation in the area. The two planes were destroyed so violently and so completely that no wreckage was found after an intense and thorough search of the area.

All of the evidence both circumstantially and concretely prove that the Cuban Government committed a carefully planned pre-meditated act of murder against four humanitarians, one of them a Vietnam veteran and two of them native-born Americans. The Cuban Government is trying to cover up what it has done. Its intent was to destroy the humanitarian work of Brothers to the Rescue, a group of dedicated individuals whose purpose was to save the life of any person stranded in the ocean. The Cuban regime has failed because the truth of their actions is known. Our government knows the truth.

My brother was born in New Jersey, in the United States of America. On February 24, 1996, he was 24 years old. He recently wrote, "Since the age of 10, I have longed to fly commercial-type aircraft. And since the age of 15, I have actively pursued that dream." He never deviated from his goal of becoming a pilot. He was always an inspiration for me to see how he could be so focused on his dream. He studied and worked hard to achieve this goal, graduating with honors from high school and simultaneously earning his aircraft mechanics license.

When he was 17, he decided not to pursue his intention of joining the U.S. Air Force Academy because he said, "I can never take the life of a fellow human being."

He entered Miami Day Community College where he earned his Associates Degree in professional piloting. Afterwards, he was enrolled in Embry Riddle Aeronautical University where he was seeking his professional aeronautics Bachelor's Degree, maintaining the grade point average of 3.9.

With his busy schedule, he still found time as a volunteer using his talents to help others. He once wrote, "I find that being able to help those in need is a very fulfilling experience." His flight log records each and every time when he spotted and aided a person stranded at sea.

This semester, Mario started a well-deserved internship with a major U.S. airline. From his writing, he stated, "I believe my perseverance and self esteem will benefit me and allow me to successfully end the pursuit for an aircraft piloting career."

These last few days I have been visited by many people whose lives were touched by Mario and they all seem to ask the same question. "How could this happen to such a compassionate and noble-hearted young man?"

For instance, after the devastation caused by Hurricane Andrew, Mario helped salvage the remains of Miami Dade Community College, Tamiami campus. It was also common for me to find my brother helping out our 8-year-old neighbor learning to read or tutoring fellow students in trigonometry and calculus for free, or contributing time to our local parish. It was all done on a volunteer basis. No matter who and where it was, if they knew my brother, they remember him because his passion for life was felt by those around him.

The reckless and illegal actions of the Cuban Government has not only taken my brother away, but it has destroyed a bright and extraordinary piece of America's future.

You represent our people. Our founding fathers gave you the duty to give expression to the voice of our fellow citizens. I was born a free man in these United States of America. My brother Mario had as well the honor and the pride of being born in the United States. We both learned in our schools about the dignity of man, about our having unalienable rights, and we learned that among these rights we were entitled to life, to liberty and to the pursuit of happiness.

My brother Mario's life and the full development of his vibrant 24 years as a free man has been callously taken away by the murdering weapons of a monster who proclaims death as the only alternative to a failed system of government, who despises liberty and offers only tyranny and oppression and who has consistently pursued the destruction of happiness of the people of these United States of America.

As a citizen of this great nation, as a brother of a young man who could have been the pride of any American family, may I urge you to pass a Joint Resolution in incorporating the voice of we, the people of the United States, in condemning this heinous act of cold-blooded murder as another badge of infamy in the criminal record of Fidel Castro.

[The prepared statement of Mr. de la Pena appears in the appendix.]

Ms. ROS-LEHTINEN. Well done. Thank you so much.

And I think it is very interesting and heartening to see the young people, the second-generation people born right here in the United States of America, feeling that strong love for freedom and democracy. It is interesting for us, especially for Lincoln and me from Miami, to have seen one of the biggest public high schools in the State of Florida—Holmes-Braddock High School yesterday holding a spontaneous demonstration. These young people, 16-, 17-year-olds, left school in an unexcused absence and had a demonstration, thousands of students outside their school, chanting anti-Castro and pro-democracy statements.

And I think that, Michael, you and Marlene are excellent examples of that generation of American citizens who still feel very fervently and very intensely that love of a free Cuba in your hearts.

We thank you for what must have been very difficult testimony. We are very, very proud of you.

Before I recognize Mrs. Edilfa Perez, the cousin of Pablo Morales, who has a very interesting story to tell about Pablo and what he represented as a recently arrived American, I would like to note that we have been joined by Congressman Chris Smith.

Chris, we had already made our opening statements, and I know that you were in the State Department authorization meeting all morning, but before I recognize Ms. Perez, we would enjoy hearing from you.

Congressman Smith is the chairman of the Subcommittee on International Operations and Human Rights. He has held countless hearings during his tenure as chairman focusing on the violations of human rights internationally, and most especially in Castro's Cuba.

Congressman Smith.

Mr. SMITH. I thank you very much, and I just want to extend my deepest sympathies to the relatives of those who died at the hands of the Cuban air force. I think it was an act of outrage and the fact that the Clinton administration had coddled this dictator, Fidel Castro, since coming to office likewise is an outrage. We have had hearings in our subcommittee and in the full committee, and, of course, on the Western Hemisphere Subcommittee that are focused on what I happen to believe is a very unethical and immoral agreement that Mr. Clinton made with Castro on immigration, making him a part of our immigration control by almost deputizing him to be part of the INS.

As a matter of fact, we have language in the bill that is making its way through the Conference right now, Section B, which is our subcommittee's product, that would require at least that the President tell us how the Administration and how Castro were using the so-called "mainly persuasive methods". We are talking about a dictatorship that has shown itself over and over again, not only to be capable, but to use the most brutal force against people, particular in the Gulags.

I never forget, Ileana, when I first read Armando Valladares' book "Against All Hope," how I was shaken to my core that such atrocities could go on day in and day out so close to our shoreline with so little outrage being expressed by Americans. And now this shoot-down puts in perspective all those apologists for Castro who have said somehow he is a Democrat. He takes off his fatigues and marches around in a suit and somehow he is a democrat. The way the French treated him was appalling, when he was in Paris not so long ago. This man is a dictator. He has committed crimes against humanity.

Even when those people came forward, as we all know, to tell the U.N. observers a couple of years ago about the atrocities, they then, these monitors of human rights, these people who were told that there would be no repercussions, found themselves being retaliated against by this dictatorship.

The Burton-Helms language will become law. You know, for once, I think it is put in perspective that if you trade with this dictatorship, you are complicit with it. And we want nothing to do with you.

And the bravery of the Brothers to the Rescue is inspiring. And, again, I have nothing but contempt for our own administration for coddling this dictator, as they have coddled dictatorships in Beijing, in North Korea, and in other places around the world where dictatorships have flourished, but this one being so close and having so many people, and the gentleman from Florida and the gentlewoman from Florida, you have to know, if you do not know it already, have been the most—and my good friend from New Jersey—have been such outspoken critics in a bipartisan way of Fidel Castro, and they have kept all of us on our toes to make sure that we speak out loudly and clearly.

But, again, my strongest condolences for your loss.

Ms. ROS-LEHTINEN. Thank you so much, Congressman Smith.

Also, in the audience is Father Juan Sosa of St. Kathryn Church of Kendall in Miami, Florida. Welcome, Father.

Now, we would like to hear from our last panelist, Ms. Edilfa Perez, the cousin of Pablo Morales.

Thank you, Ms. Perez.

#### **STATEMENT OF EDILFA PEREZ, COUSIN OF PABLO MORALES**

Ms. PEREZ. I want to thank the members of the subcommittee for giving me the opportunity to travel here and speak for the committee about this matter and share my personal views.

My name is Edilfa Perez. I am a cousin and family representative of the late Pablo Morales, victim of Castro's illegitimate actions on February 24, 1996. Here with me today are his girlfriend and family.

I would like to read a brief letter that we submitted to President Bill Clinton in the hopes that he will lead the United States into taking a stronger stand against the Cuban Government.

"Dear President Clinton. Two weeks before Hurricane Andrew arrived at Miami in August 1992, my cousin, Pablo Morales, boarded a rickety raft in Havana, Cuba, with four others. He left behind his parents, a brother, a sister and nephews. He was 29 years old. Like millions of others before him, he preferred to risk a great possibility of death rather than live in the oppression of Cuba. He was seen on the high seas by an airplane who radioed the U.S. Coast Guard, who rescued him and his fellow rafters. The plane that spotted him and determined his fate belonged to Brothers to the Rescue. His debt to Brothers to the Rescue was instantly forged. As soon as he arrived, he was welcomed at our home where he was sheltered, fed and strengthened until he began to work at a local food distributor and became a promising salesman and a distributor himself. He began to attend church regularly, feeling more at ease under the protective umbrella of the United States.

Pablito, as we call him, after many years of darkness, oppression and hunger, started to enjoy his life. His gratitude to Brothers to the Rescue was not soon forgotten. He began helping them in order to help others like himself, floating like specks in a desolate ocean hoping that their life and those they left behind would not be in vain.

Pablo had become a poet here since in Cuba there is no room for liberty of expression. He was now free to write and free to write about freedom itself.

Allow me to translate an excerpt of a poem he wrote shortly after he arrived. I quote, "In American soil, I experienced the immensity of liberty for which I longed in the land I left behind. Here I will struggle tirelessly to see my country free of evil. I will strive to gain true freedom."

Pablo lived his short life true to that principle. Hopefully his life and death will not be an exercise in futility.

In the last decade we have seen the disintegration of the Soviet Union, the collapse of the Berlin Wall, the end of Apartheid in South Africa, the elective process in South and Central America. The United States has played a vital role in seeking peace and justice all over the globe. The United States has policed human rights abuses all over the world. The United States has gone into Ethiopia to feed starving masses and house homeless people. It went into Haiti in order to give democracy a jump start. We are in Bosnia to protect the people from state-sponsored atrocities and genocide. We were in Kuwait to repel aggression and arbitrary violence.

Yet, less than 90 miles away inside Cuba, millions have been starving for decades, atrocities are commonplace, humans live under a failed system of oppressive communism. Cubans have been fleeing for the last 37 years. A small powerful, heavily armed minority controls the powerless masses with the secret police, propaganda, disinformation, tyranny, and the spread of uncontrollable fear.

Why has the United States always chosen to pursue human justice somewhere else other than in its own backyard?

As Americans we need to ask ourselves how long we will allow this to continue. We need to search our conscience and ask why our foreign policy has failed to bring any fundamental and meaningful changes in Cuba.

Why do we pretend that recent changes in U.S. policy toward Cuba have been effective in causing true change of the common people of Cuba? The Cuban Government has been the only beneficiary of these changes, while the vast majority of the Cuban people continue to suffer.

For the sake of Pablo's life and millions that have preceded him in silent death and watery graves, we ask you to take a stand, Mr. President."

These are my comments on behalf of Pablo Morales' family.

Thank you.

[The prepared statement of Ms. Perez appears in the appendix.]

Ms. ROS-LEHTINEN. Very eloquent. Thank you so much, Ms. Perez, and as I said, we will make sure that the President and members of his cabinet receive all of your statements and specifically letters that you have addressed to him. I know that they will be favorably received.

We have been joined by another Member of Congress, Congressman Don Payne of New Jersey, the chairman of the Congressional Black Caucus.

I do not know if you would like to make some statements before I recognize Congressman Diaz-Balart for questions and statement.

Congressman Payne.

Mr. PAYNE. Let me first of all thank the chairman for calling this very pertinent hearing on the shooting down of civilian aircraft, and I certainly would like to extend my condolences to the family of the brave and valiant men who gave their lives in order to make their expression. If it were not for men like Carlos Costa, and the many other men and women and children, we would even see a more terrible time in their country.

I would just like to say that unless there is justice everywhere, there is justice nowhere, and that we have to continue to push to see that all people are free. People should have the right to express themselves. People should have the right of self-determination. And I certainly support efforts to have democracy throughout the world.

And once again, I express my sincere condolences to the families of the victims.

Thank you very much.

Ms. ROS-LEHTINEN. Thank you so much, Mr. Payne.

And now I will introduce our colleagues to ask questions or make any statements they might have.

It is a pleasure to present an outstanding member of the Florida congressional delegation and one of the key proponents of the Helms-Burton bill without whose help none of that would have been possible.

Congressman Lincoln Diaz-Balart from Florida.

Mr. DIAZ-BALART. Than you very much, Madam Chairman.

I first of all want to thank you all for being with us today and honoring us with your presence and helping us in the small way in which we came here to not only recall—not only memorialize but honor the memory of your loved ones, our heroes.

First of all, I would like to say that this morning I spoke by telephone with Jose Basulto, and he asked me to please inform you that he very much regretted not having been able to be with you, but that he was very proud of the fact that you were coming here. And that he is engaged in the preparation of a memorial service at the site of the murders this Saturday.

It is obvious, we know, that some thugs throughout history, just by circumstance, by twists of destiny, manage to enslave entire peoples and have access to weapons that they use against unarmed people. Those thugs, like the tyrant in Cuba, respect only force. They are inherently and ultimately cowards. Anyone who orders or who carries out the order to fire upon unarmed civilians is to the core a coward.

I simply want to say, No. 1, the legislation that Congresswoman Ros-Lehtinen referred to now, as Congressman Smith did earlier. Congressman Menendez made reference before also. That legislation, which will very significantly punish the Cuban tyrant, because it will deny him access to hard currency so that he can maintain his security apparatus, his thugs who fire upon the unarmed people of Cuba day in and day out, that legislation will have a very important deterrent effect upon the accessibility of hard currency by the tyrant. And that legislation, which seems now within our grasp, we have an agreement with the Administration and we are confident and hopeful that we will be able to pass it in both the House and the Senate in the next days. The passage of that legislation was made possible by the four heroes, the four martyrs, your

loved ones. Without their sacrifice, that legislation would not have been passed.

So obviously we will continue, and I pledge to you, that until the last breath leaves my body, I will not stop until justice is achieved for the murder of your loved ones. Already, already, their sacrifice has led to the strongest measure, which hopefully will be passed next week, of punishment against that regime in the 37-year history of that regime.

And so let me just say that I would obviously have preferred that the day after, on Sunday, President Clinton would have ordered, as President Reagan did, against Libya, when it was confirmed that Qadhafi, another thug, had ordered an act of terrorism outside of the territory of Libya, President Reagan ordered a military strike that came so close to the thug in Libya, that only by chance did he happen to miss one of the objects of the military strike personally. And a number of people very close to him felt the effects of that strike directly. That would have been a proper response by the President of the United States the next day.

Another proper response would have been to send in a SWAT team and pick up Mr. Castro and charge him, indict him, at the International Court of Justice in the Hague for violations not only of international law, but for committing crimes against humanity.

A tyrant who against unarmed prisoners, engages in electroshock torture, a tyrant who orders personally the sinking of boats with civilians, including children, a tyrant who orders personally the shooting down of unarmed airplanes on a humanitarian mission with a track record of never having been armed, in international waters, that tyrant is committing crimes against humanity which deserve to be charged, for which he should be tried and taken to justice.

The question before us is what kind of world do we want to live in? Are we going to live in a world where tyrants, because they are armed, not only can act with ultimate brutality against their own unarmed people, but even now go so far as to kill in international waters American citizens? Are we going to permit that? There is then no rule of law in the world. There is no order of civilization in this world. And that is the essential question that we have to ask.

So the first step that we are taking, which is this strong legislation, which would not, as I say, have been possible without the four loved ones that we are thinking of today. That must only be a first step.

And as I said, it is not just me. I know you join me, as do Ileana and Bob Menendez, and millions of others, who will not rest until justice is achieved and the Cuban tyrant is made to pay for the murder, not only of the tens of thousands of Cubans that he murdered before February 24, for the crackdown that began, as you know, 2 weeks before, of all the opposition activists and leaders in Cuba, but also for the murder of your loved ones, our heroes.

I simply welcome you from the bottom of my heart and thank you for the honor of your presence here today.

Ms. ROS-LEHTINEN. Well done. Thank you so much, Lincoln, and you certainly do speak for all of us here. Thank you.

Congressman Bob Menendez from New Jersey.



Mr. MENENDEZ. Thank you, Madam Chairlady.

Let me first say that my heart goes out for the families and their loved ones as does my sympathy, but neither will obviously suffice. Only justice will.

You have a great deal of courage to come so soon after your loss to tell the Congress of the United States and, for that fact the world, about your family members, and you have painted an eloquent testimony to each and every one of your family members. You have painted an eloquent testimony to their memories. You remind us in death of about what they were in life. And you paint for us a human face for Armando Alejandro, Jr., Pablo Morales, Carlos Costa and Mario de la Pena. And too often in this process, we forget that these were people who walked among us. These were our fellow U.S. citizens. And you also painted for us in your most eloquent words their love of country. And I am referring to this country.

You know, in the last vote, one of my colleagues rather cynically asked me, "What were those planes doing? Were they invading Cuba?" And it shocked me to hear that type of remark. I wish that he and others could be here to have heard your testimony. And I appreciate the members of the committee who found it in their busy schedules the opportunity to be here. In fairness to members, there are multiple events going on, but I had hoped that more members would be here—there are votes going on, there are other committees, and so I do not want you to think it is disrespectful that you do not see more members here. It is the nature of the operation here that in fact members are torn at different places.

But I really do wish that there were more members here to hear your testimony. I am going to personally take it upon myself to take the record here today and your testimony and make sure that every member of this committee, as well as every Member of the House, who receive thousands of pages of things to read, will receive your testimony. Hopefully we will bring to their attention most specifically your words, because I thought they were extremely moving.

But in that cynical fashion that my colleague asked me that question, I want to remember your families' lives not with some discussion of what our policy should or should not be. I want to remember your families' lives for what they did.

I flew about a year ago with Brothers to the Rescue. I was in one of those planes. I know what they did day in and day out. They saved over 6,000 lives. There is no greater thing that one human being can do for another than to save the life of another. And certainly all of your family members did that.

On the day that I flew with one of the Brothers, in fact, we found 12 people who were on—I do not think you could call it an island. They were on more like rock. And they had been there for days without food or water. In fact, no one had known that they were there. And it was because of Brothers to the Rescue, and on that day I was privileged to be flying with them, that we found these 12 human beings, that we were able to throw them packages of enough water and food until we could radio to the U.S. Coast Guard their location, by which they were subsequently saved.

Of all of the many things that I have been able to do in my life, that was a very significant moment. And so I think it is important to recognize your families' lives in that context. That is what they did day in and day out. No, they were not there to invade Cuba. They were out there to save lives.

Now, having said that, let me just say that this is not a question of compensation, although I know that through our legal system and our responses sometimes we do not take cultural differences into account. This is not a question of compensation. There is no money—no money that can compensate you for your family members. However, justice is what you seek and justice is what the United States should be able to acquire.

And that is why yesterday I introduced a resolution into the Helms-Burton bill with the accompaniment of my colleagues who are also Conference members, which calls upon the President to seek an indictment against Fidel Castro himself, because as I elicited from testimony from the Assistant Secretary of State, there is no doubt in my mind, and anyone who understands the Cuban regime, that in fact that order to kill your family members could not have been given but at the highest level. And to seek an indictment against him in the International Court of Justice.

And I can assure you, with my other colleagues, that we will do everything within our power to make sure that justice, not compensation, but justice is realized.

Thanks for coming today.

Ms. ROS-LEHTINEN. Thank you so much, Congressman Menendez.

Congressman Payne. If you have any questions or any further statements for the witnesses.

Mr. PAYNE. No, just that I am certainly here to listen and to get more information, and I certainly learned from the short time I have been here from my colleagues who have just previously spoken and I will be certainly watching very closely the events that proceed from this point forward.

And so once again I would just sincerely like to express my condolences once again to the family. We lose loved ones and they can never be replaced. And our hearts are with you during this time of your bereavement.

Thank you very much.

Ms. ROS-LEHTINEN. Thank you, Congressman, and I know that you have many other appointments today. Thank you for the energy that you will have in seeing other Members of Congress because that is a very important mission.

We will make sure that we communicate with the members who could not be here with us today. We have sessions and other committee hearings, but they are all very interested about this case, and we will have it as part of our mission to inform them all.

We thank you. We welcome you and thank you so much on behalf of the entire committee. Gracias.

[Whereupon, at 1:19 p.m., the committee was adjourned.]

# APPENDIX

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Statement of Chairman Benjamin A. Gilman  
Full Committee Hearing on "Shoot Down of U.S. Civilian Aircraft  
by Castro Regime"  
February 29, 1996

We are brought together today to review the details of a deadly--and premeditated--attack by the Castro regime on two unarmed American planes which cost the lives of four innocent men.

We have heard this morning from members of the families of the martyred "Brothers to the Rescue" who gave their lives so that others might live in freedom in Cuba. Let me convey the deepest condolences of the Committee for the profound loss you have suffered. And we thank you very much for taking the time in this hour of grief to join us. Your voices are important, because you bear witness to the human tragedy that millions of Cubans experience every day under the yoke of Castro's oppression.

Indeed, this attack is not an isolated event: the ruthless crack-down on a pro-democracy group on the island in recent weeks is but another example of Castro's brutality.

Sorry to say, not since the Russian invasion of Afghanistan has a U.S. President been caught so utterly flat-footed by the predictable but heinous act of a dictator. In the past year, the Clinton Administration has negotiated a migration agreement to repatriate Cuban refugees, softened restrictions on travelling to Cuba, given Castro and his cronies visas to come to the United States to peddle their propaganda, and--until recently--fought us tooth-and-nail on the Burton-Helms legislation.

Let me note that, since President Clinton's May 2 migration agreement with the Castro regime, nearly 300 Cubans fleeing that imprisoned island have been intercepted by our Coast Guard and returned to the clutches of the Castro regime. In my view, that is the moral equivalent of tossing people back over the Berlin Wall.

As we discuss this latest stark example of Castro's brutality this morning, let us hear the faint voices of these poor people who we left behind in Havana harbor.

With this brutal attack, the Clinton Administration's policy of "creeping engagement" has come to an abrupt halt. We are pleased that the Administration agreed to finally join us in supporting the "Burton-Helms" bill, which will:

- take proactive steps to encourage an early end to the Castro regime;
- direct the President to prepare to support a transition and democratic government in Cuba; and,
- provide additional protection for the rights of U.S. nationals whose property has been illegally confiscated by the Cuban regime.

STATEMENT OF REP. GARY L. ACKERMAN  
BEFORE THE COMMITTEE ON INTERNATIONAL RELATIONS  
FEBRUARY 29, 1996

Mr. Chairman, I am pleased that you have called these hearings today and I extend my condolences to the family members of the four victims.

Clearly, the shooting down of unarmed US civilian aircraft is the heinous and unforgivable act of a rogue regime that ignores international law. Cuba's action over the weekend is inexcusable and is, as Ambassador Albright said, "cowardice".

Brothers to the Rescue is a private group engaged in the humanitarian mission plucking Cuban rafters out of the shark infested waters of the Florida straits. The Brothers were on another such humanitarian mission last Saturday, in international airspace, when the Cuban government scrambled two MIG fighters to intercept the three Cessnas. With only the vaguest of warnings, the fighters locked onto the small planes and blasted them from the sky leaving only oil slicks on the water below.

Mr. Chairman, such wanton disregard for international law cannot go unanswered, so the response to this appalling attack has been swift. The United Nations Security Council has condemned the Cuban actions, as has the European Union, the President has suspended charter air travel and will ask Congress

to use some of the \$100 million in frozen Cuban assets to compensate the families of the victims. In addition, the conferees yesterday reached agreement on HR 927, the Cuban Liberty and Democratic Solidarity Act. These steps, taken together, will dramatically increase the pressure on the Castro regime.

Mr. Chairman, I look forward to the today's testimony and to continuing to work for a free and democratic Cuba.

18th District • Florida

News Release



*Congresswoman*  
**Heena Ros-Lehtinen**

Mr. Chairman:

I thank you for holding this hearing today to focus on a tragic incident which strikes at the very fiber of human compassion, which defies all logic, all sense of morality and dignity. The February 24th shooting down of two unarmed Brothers to the Rescue planes on a humanitarian mission was willful, deliberate, malicious, and premeditated murder by the Castro regime. It is an overwhelming personal loss for some, and a painful reminder for others of the voracious appetite of dictators like Fidel Castro who will go to inconceivable lengths to hold on to the reigns of power.

The cries of thousands who have been summarily executed in Castro's prisons for opposing the Castro regime; the cries of those who have fled Castro's tyranny and have drowned in the waters of the Atlantic Ocean; have seemingly fallen on deaf ears for over three decades. We cannot allow the cries of these latest victims to go unanswered. The blood they shed will stain our collective conscience until these crimes against humanity are punished to the fullest extent possible.

The easier path is always that of a follower. Leaders have to overcome great obstacles as they carve out a path for others to follow. However, in the end, it is the leader who will contribute to a safer world and a brighter future for all.

This is the choice the U.S. is faced with: to assume its leadership role and guide the international community through the uncharted waters of a new international order; or to succumb to the pressures of public opinion, continue wavering on its position on critical issues, and hide behind the facade of international and regional organizations.

We know that President Clinton and his Administration will choose the latter and not weaken the U.S. position.

I hope that this latest incident of the Cuban holocaust has reaffirmed for the international community that the U.S. cannot trust Fidel Castro; that the U.S. cannot negotiate with terrorists or pariah states; that the U.S. should not leave the welfare of refugees seeking freedom and liberty in the hands of the tyrant who has been oppressing them and persecuting them for over three decades. I hope that this case of premeditated murder by the Castro regime, has served to awaken the international community from the deep sleep that has kept them from seeing Fidel Castro for what he is -- a vulture who preys on his people, devouring their hopes for freedom.

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I do believe that this recent atrocity has, in part, served to motivate some in the U.S. to strengthen the U.S. resolve against the Castro regime. An indication of this new found determination is the support that the Clinton Administration has rendered to the Helms-Burton Bill, which was voted out of conference yesterday with the strongest available language. We thank President Clinton deeply for his support and we especially thank Mr. Richard Nuccio for his leadership. This legislation eliminates all possibilities for the Castro government to circumvent U.S. laws while safeguarding the interests of U.S. nationals.

By the same token, it is the responsibility of the U.S. government to protect the lives of its people, and this is a pivotal issue we must discuss today.

In abiding by our responsibility to serve and protect the people of the U.S., we must pursue further measures to seek justice for the victims of Saturday's atrocious attack and for their families, many of whom are here with us today. While the course of action announced by President Clinton a few days ago is a good first step, it falls short of fulfilling the U.S.' legal, historical, and moral obligations.

We have seen the U.S. adopt a proactive approach in Haiti. We have been witnesses to U.S. diplomatic determination and military involvement in Bosnia. However, what we have seen with regards to Cuba, particularly in the aftermath of February 24th's killing spree by the Castro military, has been a game of diplomatic hide and seek -- i.e. hide behind the international community and seek their approval. And how has the international community responded? By treating Fidel Castro and his regime as rumbunctious children who misbehaved in class and are being placed in a corner. However, in this instance, the Castro regime is not even receiving a stern scolding for the U.N. Security Council failed to at least condemn the actions of the tyrant and his group of thugs.

Nevertheless, if the reactions of the U.N. or rather lack thereof are reprehensible, the U.S. government would not fair much better if it fails to act quickly and decisively in this case.

The U.S. should seek, among other options, the international condemnation of this vicious and brutal crime, translated into international sanctions imposed on the Castro regime. It should seek indictments against Cuba before international tribunals, as well as in domestic courts as most of the victims were U.S. citizens. It should seek the expulsion of Cuba from all international and regional organizations which stand for peace, justice, freedom, liberty, security, and respect for the rights of all the peoples of the world. After all, how can a country who flagrantly violates all of the above principles in one swift decision, be permitted to share a forum with countries who respect these basic tenets?

It is not sufficient for all of us to sit here today and express our condolences to the victims families and say that we "share their pain." If we really care, if we truly believe in the principles that make this country great, that have enabled democracy to overcome oppressive forms of government, then we must act and act now

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This wanton act of aggression demands unequivocal resolve from the U.S. to put an end to such brutality. Let us listen to the cries of these four heroes and hear their message -- a message which echoes in the hearts and souls of all who have been victims of the Cuban holocaust. It is a cry for help, a call to action. We must not abandon them. We must not forget!



**HIRC**

**Cuba**

**Testimony of**

**Under Secretary for Political Affairs**

**Peter Tarnoff**

**February 29, 1996**

Mr. Chairman,

You have asked me here today to testify on our policy towards Cuba, but before I begin I want to convey on behalf of the Department of State and myself my deepest sympathies to the families and friends of those who lost their lives last Saturday. There was no justification for that callous act, no measure that will atone for their loss.

Mr. Chairman, permit me to express, on behalf of the Administration, my appreciation to you and other Members of this Committee for the spirit of cooperation which has characterized our work together over the past few days in reaching agreement yesterday on a compromise version of the Cuban Liberty and Democratic

Solidarity Act. Although we have had differences over certain elements of the bill, our shared outrage at the unlawful action of the Cuban regime in shooting down civilian aircraft in international airspace enabled us to reach common ground on tightening the embargo and promoting our overall goal of democratic change in Cuba.

As a result of perseverance and commitment it was possible to work through our concerns with Title III of the bill. But we did and we are satisfied that the President will have the authority, if the bill is passed by both Houses as approved by the Conference, to suspend the effective date of the right of action established by Title III if he determines that it is in the national interest and will promote democracy in Cuba. This was a reasonable

compromise and I urge that the bill be passed.. Such action will send an unmistakable signal to Castro and his regime that we will not tolerate behavior like the shootdowns.

I now want to outline the President's response to the Cuban action of February 24, but before I do let me briefly restate the facts in the context of the Administration's Cuba policy.

Last Saturday afternoon, the Cuban regime knowingly, willfully, and in broad daylight, shot down two unarmed civilian aircraft, killing four people. Those aircraft posed no threat to the Cuban people. They were destroyed in flagrant violation of international law. To date, Cuba has

offered no apology, no promise of compensation, no pledge to observe the law in the future, and no plausible justification for its action. Rather, the regime in Havana has thrown up an array of irrelevant accusations in a transparent attempt to divert world opinion from the real issue at hand, its morally reprehensible and legally unjustified action of February 24.

Mr. Chairman, we are prepared to answer questions about the steps taken by the Administration to discourage operators of U.S. aircraft from entering Cuban airspace without authorization. However, we must not lose sight of the principal issue -- the cold-blooded murder of three American citizens and one permanent resident by the Cuban military: a flagrant violation of international law.

This action called for a rapid response by the United States.

Immediately upon learning of the tragedy, the President condemned the Cuban action in the strongest terms. He also directed the Coast Guard, supported by U.S. military forces in the area, to conduct search and rescue operations.

Secretary Christopher characterized the Cuban action as "a blatant violation of international law and a violation of the norms of civilized behavior." The Secretary announced that the President had directed United Nations Ambassador Madeleine Albright to convene an emergency session of the UN Security Council to discuss

the incident and an appropriate international response. This diplomatic initiative yielded rapid results: early in the morning of February 27, following an all-night session, the Council unanimously approved a Presidential Statement which strongly deplored the downings and called for an early investigation by the International Civil Aviation Organization. We will cooperate fully with this investigation and call on the Cuban Government to do the same. I should note as well that many countries around the world, including the European Union and Canada, have added their voice to that of the United States in strongly condemning the Cuban action as an inexcusable violation of international law.

With respect to the details surrounding this incident, let me briefly set the record straight. According to the full array of information available to the U.S. Government, the two aircraft were shot down at approximately 5 and 16 nautical miles, respectively, north of the Cuban 12-mile territorial limit. The only warning provided by Cuban authorities was via the Havana civilian air traffic controller as the aircraft approached the 24th parallel, roughly midway between Florida and Cuba. The Havana tower informed the pilots only that they would be in "danger" if they operated south of the 24th parallel. Approximately half an hour after the Havana tower's radio message, a Cuban MiG fighter fired missiles at the two planes without further warning. This use of lethal force against civil aircraft in flight was a clear violation of international law



and international procedures governing the interception of civil aircraft.

On Monday the President announced a series of unilateral measures that the United States is taking in response to the Cuban action of February 24. These measures include: suspending charter air travel to Havana; expanding the reach of Radio Marti; restricting the travel of Cuban officials to the United States and the movements of Cuban diplomats assigned to this country; and working with the Congress to make more effective pending legislation on Cuba. We will also consult with the families of the victims about an appropriate way to press their case against the Cuban government for its unlawful behavior. As the President stated, "these deliberate

actions are the right ones at this time. They respond to Havana in a way that serves our goals of accelerating the arrival of democracy in Cuba." They can and will be implemented rapidly, in coordination with the Congress and relevant government agencies.

The President did not rule out any further steps in the future, should they be required. I do not wish to speculate at this time as to what other measures might be taken. Any such measures will depend on circumstances.

Mr. Chairman, I briefly described the actions we are taking in response to Cuba's latest provocative action. Let me also describe what we are continuing to do to

hasten the advent of a free and democratic Cuba. We are continuing to pursue the "Support for the Cuban People" measures announced by the President last October. Indeed, we will continue to aid Cuba's brave defenders of human rights and other genuinely independent organization, thereby helping to build the civil society that is so necessary to our goal of a peaceful transition to democracy.

Our efforts in this area are beginning to yield results. Last October a broad, pro-democracy, pro-human rights umbrella coalition, the "Concilio Cubano," or Cuban Council, was formed. The Concilio represents an historic first -- the first real attempt by Cuba's small but significant domestic opposition movement to forge a courageous

unity. Cuba's response was to launch a campaign of intimidation and harassment against the Concilio, to falsely brand it a creation of the United States and to attempt to sew seeds of disharmony by penetrating some of its constituent groups. When these clumsy efforts failed to prevent the Concilio from proceeding with plans for its first conference on February 24, the regime brutally crushed the conference by arresting over 50 of its members, two of whom have recently been sentenced to harsh prison terms.

In the past week, the world has witnessed two brutally violent actions of the Cuban government: against its own people who came together in the Concilio and against four Americans. The reasons for these desperate

measures lie in Mr. Castro's desperate need to divert the attention of his own people and the world community from the discontent of the Cuban people with their dismal economic prospects and their lack of fundamental freedoms. It is no accident that the rafter exodus of the late summer of 1994 followed hard on the heels of the major anti-government riot of August 5 of that year. Such episodes provoked tensions between Cuba and the United States and were designed to shift world attention away from the situation on the island itself.

In closing, Mr. Chairman, let me restate the Administration's determination to take measures against Cuba in response to the killing of Americans and to actively pursue the twin objectives of the Cuban

Democracy Act and the Libertad Act: to increase pressure on the Cuban government and to support those courageous Cuban men and women struggling to make their country free.

TESTIMONY GIVEN BEFORE HOUSE OF REPRESENTATIVES COMMITTEE ON  
INTERNATIONAL RELATIONS

February 29, 1996

Dear Chairman Gillman and Members of the Committee:

I thank you for giving me the opportunity to speak before you today.

My name is Marlene Alejandre. I was born in Miami, Florida, where I have lived all my life. I am 18 years old and a freshman at the University of Florida.

I am here to speak on behalf of my father, Armando Alejandre, who last Saturday was murdered by the Cuban government while flying a humanitarian mission in a small, unarmed, civilian aircraft over international waters.

I want to tell you what kind of man he was and what he stood for.

My father was the smartest, most generous, funny, and charming man I have ever known. Everybody loved my dad; he was always cracking jokes and playing around with my friends and cousins, and even with adults. I used to always say he was 45 going on 8! It was impossible not to love him.

With my father I did not have to be perfect, I only had to be myself, his little girl. I am an only child, and he used to say that if he would have known how amazing I was going to turn out he would have had ten more little girls! I always complained about not having any brothers and sisters, but I don't think I would have been able to share his love with others.

My dad was a U.S. Marine who volunteered to fight in Vietnam and defended the nation which he adopted and which, in turn, adopted him. The United States was his second country, second only because he came here at age 10 when his family fled the Castro regime. He loved this country and he loved his land of birth, too.

When my father became active in the fight for Cuba's freedom, I knew it was a cause that would not just fade away for him. As he began to involve himself more and more in this struggle, I was a little scared, fearing that he would get hurt, but I never believed he would die, since all he was doing was helping others. For example, he called me at school a few weeks ago to ask if he could take some of my old stuffed animals to the little children who were part of the group he was helping out in the Bahamas; he called after this trip to tell me how those toys brought huge smiles to their faces!

It is very difficult for me to say all the beautiful things I loved about my father because I could go on and on. I was very proud of him, and it hurts me very much to think that maybe he did not realize it. As he talked about his work with the rafters in the Bahamas he sounded like a little boy who had just learned how to tie his shoelaces or ride a bicycle. He always told me he was the "conscience of the exile community" and, until now, I never really understood what he meant.

But now I don't have a daddy anymore. Although I am thankful that he died

quickly, that he died a happy man doing what he thought was right, and that he is now close to the Cuba he so loved, I feel we cannot allow the Cuban government to get away with murdering him and his three companions.

I ask you not to let my father's death be in vain. I ask you not to let this atrocity go unpunished.

I walk away from this experience with the thought that my father and his three companions died as heroes. I ask you help us realize their goals and help give Carlos, Pablo, Mario and my father the farewell they deserve.

I urge you to do this by taking the strongest measures possible against the government of Cuba.

Once again I thank you for giving me the opportunity to speak before you.

(n.b.- attachment)



Originally published in Spanish in the Diario Las Americas, February 15, 1996.

"Dreamers of the Day" by Armando Alejandro, Jr.

Why not? Why not risk a dream which may turn into reality and provide, finally, a solution to our dilemma? Are we so obsessed, or frightened, of failure that we can no longer dream, that we can no longer visualize or conceive of victory? Has "victory" evaporated not only from our vocabulary as a noun but from our consciousness as a believable concept? Why is this all-encompassing self-doubt the norm? Do we now require a written notarized assurance from those who sacrifice and battle from within? An elaborate, precise document specifying their strategy? That seems to be a requirement from a number of self-styled experts who apparently desire that the exile community, and only this body, have not only the pre-eminent role in liberating Cuba, but also do it in a violent manner. I salute all those who fought, were imprisoned and died within the island in past years. It is a matter of employing tactics that have provided results in other countries recently and appear to be better attuned to receiving support from world leaders and organization in 1996. These pundits' "reality" ignores the fact that for roughly the past quarter century there has been no significant military damage inflicted within the island or abroad. To me it is not particularly a matter of philosophy; it's a matter of methodology.

I would rather dream in order to achieve a real, not mythical result. The great British soldier/writer, T. E. Lawrence, the famous "Lawrence of Arabia," expressed it better than I in a succinct and romantic paragraph. He wrote thus:

"All men dream, but not equally, those who dream by night in the dusty recesses of their mind, wake in the day to find that it was vanity. But the dreamers of the day are dangerous men for they may act their dreams with open eyes. This I did."

Concilio Cubano, is, of course the movement to which I refer in the initial paragraph. Yes, I have some reservations and recognize many myths in a grouping of over 140 organizations. There will be political and social ideas and ideals not of our liking as here and there will be fissures and antagonisms (sounds familiar?). To me it sounds very much akin to a democratic exchange and union with solid primary goals, among them freedom of all political prisoners, free elections and democratization for Cuba. In their official communique about the events of February 24, 1996, Concilio Cubano calls for "a pluralistic gathering of all Cubans, regardless of whether or not they were forced to leave their country," as well as a "universal declaration of human rights, which we invoke as a basis for our request," and refers to the exile community once again, which just like them has not forsaken the quest for Cuba's freedom, the members of which "even under other flags and citizenships have a moral obligation to the wounded country where they were born."

The gathering proposed for February 24 through 27 presents defiance to the regime as it encounters the type of organized dissidence at a time of economic difficulties and forecast economic crisis: the type of dissidence that has attracted the attention and support of world personalities like

former British Prime Minister Thatcher, Czech President Havel and renowned dissident Elena Bonner (widow of Andre Sakharov), the Spanish presidential candidate Jose Maria Aznar. Just this past week an open letter of support to Concilio was signed by over 200 international personalities, including politicians and eleven Nobel prize winners. Also supporting this effort are our two local federal representatives Ileana Ros-Lehtinen and Lincoln Diaz-Balart. The European Parliament has mirrored Concilio's demands as conditions for a dialogue with Castro. The pressure increases. The number of exile organizations supporting Concilio now number forty-nine, in addition to any unaffiliated individuals.

Concilio, in addition to seeking its right to meet in a formalized setting, independent of the government, also seeks the "assistance of the United Nations" as "international overseers of the gathering", and, as important, or even more so, a request for "the assistance of the Conference of Catholic bishops and of His Eminence Cardinal Jaime as national overseers of the gathering Concilio Cubano". An ideal opportunity, in my opinion, for the church to shed its, at best, lukewarm stance and attempt to imitate the hierarchy and priests of the 1960 era.

How often have we failed? Very often. How often have we been deceived and hurt by actions we cannot control from afar? Very often. How often have we forgotten these failures and renewed our strength and conviction? Over and over again. And we will continue to do so. I will not visit my native soil until it is free. I departed at age 10 and never went past Varadero. I yearn to visit Santiago, Caibarien and Trinidad. I dream - there's that word again - dream of my home and my school and my life as a boy, long, long ago. I wore this country's uniform and love it and would proudly defend it again. I dream, again, of an older, wiser, braver school mate, Virgilio Campaneria, who died at the "paredon" and when I return, he will know I'm back and so will the thousands of other Virgilios who fought, and suffered and died.

"The dreamers of the day are dangerous men for they may act their dreams with open eyes." Amen.

## Los que sueñan de día

Por Armando Alejandro Jr.

DIARIO LAS AMERICAS reproduce este artículo publicado en su edición de 15 de febrero, escrito por un gran patriota de las nuevas generaciones cubanos que todo indica que perdió la vida en la lucha por la libertad de Cuba cuando la frágil avioneta en que viajaba en misión humanitaria fue derribada por un avión Mig de la fuerza aérea de la tiranía de Castro. Es un artículo que refleja plenamente los ideales de ese patriota que aprendió en el ejemplar hogar de sus padres a amar a Cuba y que se llamó—quiera Dios que se pueda decir que se llama— Armando Alejandro, Jr.



¿Por qué no? ¿Por que no arriesgar un sueño que puede convertirse en realidad y dar finalmente una solución a nuestro dilema? ¿Estamos tan obsesionados, o asustados de fallar, que no podemos soñar, que no podemos visualizar o concebir una victoria? ¿Se ha evaporado la palabra "victoria" no sólo de nuestro vocabulario como un nombre común sino también de nuestras conciencias como un verdadero concepto? ¿Por qué todo esto nos está sembrando la duda? ¿Es que ahora requerimos una garantía por escrito y notariada de aquellos que se sacrifican y luchan desde adentro? ¿Un documento elaborado y preciso especificando su estrategia? Esto parece ser un requisito de un número de "expertos" de estilo muy propio que aparentemente desean que solamente la comunidad del exilio tenga el eminente papel de liberar a Cuba, y no sólo eso, sino también hacerlo de una forma violenta.

Yo saludo a todos los que pelearon, fueron prisioneros y murieron dentro de la isla en pasados años. Hay también otro modo de emplear tácticas que han dado resultados positivos recientemente en otros países y nos coloca en una mejor posición para recibir ayuda y apoyo de líderes y organizaciones mundiales en 1996.

Esta "realidad" de los "expertos" ignora que durante el último cuarto de siglo aproximadamente no ha habido ningún daño militar de importancia dentro de la isla o afuera. Para mí no es materia de filosofía, es un problema de metodología. Soñar para alcanzar un resultado real, no místico. El gran guerrero y escritor británico T. E. Lawrence, el legendario "Lawrence of Arabia", lo expresó mejor que yo en un conciso y romántico párrafo que dice así: "Todos los hombres soñamos pero no igual. Aquellos que sueñan de noche en la ensombrecida liberación de sus mentes, despiertan para encontrar que sólo fue vanidad, pero los que sueñan de día son hombres peligrosos porque pueden realizar sus sueños con los ojos abiertos. Esto hice yo".

Concilio Cubano es, por supuesto, el movimiento a que me refiero en el pá-

rrafo inicial. Si, tengo ciertas reservas y reconozco muchas verdades. En un grupo de más de 140 organizaciones donde habrán ideas e ideales de orden político y social que no sean de nuestro agrado (como aquí) y habrán divergencias y protagonismo (¿sueña familiar?). A mí me parece muy similar a un intercambio democrático y una unión con metas primarias muy sólidas; entre ellas libertad de prisioneros políticos, elecciones libres y democratización para Cuba.

En el "Comunicado oficial de Concilio Cubano sobre los actos de febrero 24, 1996", se convoca a "un encuentro plural con todos los cubanos independientemente de que se hayan visto forzados a dejar su patria" y a la "Declaración Universal de los Derechos Humanos, la cual invocamos para fundamentar esta solicitud", y vuelven a referirse otra vez al exilio que, al igual que ellos, no ha renunciado a seguir luchando por la libertad de Cuba "aun bajo otras banderas y ciudadanía si entien un compromiso moral con la patria herida que nos vio nacer". Un elogio bien bonito.

La reunión propuesta para los días 24, 25, 26 y 27 de febrero, presenta un desafío al régimen ya que representa el tipo de disidencia organizada en el momento de una economía en dificultades y un pronóstico de crisis económica. La clase de disidencia que ha atraído la atención y apoyo de personalidades mundiales como la anterior primera ministra británica Thatcher, el presidente checo Havel y la reconocida disidente Elena Bonner (viuda de Andre Sakarov), el candidato presidencial español José María Aznar, y justamente esta pasada semana una carta abierta de apoyo firmada por más de 200 figuras internacionales incluyendo políticos y once premios Nobel. También han expresado su apoyo al Concilio y sus metas. Nuestros dos representantes federales Heana Ros-Lehtinen y Lincoln

Diaz Balart. El Parlamento Europeo refleja las demandas y condiciones de Concilio para un diálogo con Castro, Claro que no se puede hacer diálogo con el dictador sin participación de todos los cubanos y con concesiones reales —y eso no va a ocurrir. La presión se tiene que incrementar. El número de organizaciones en el exilio apoyando a Concilio, es ahora 55, además de individuos no afiliados.

Concilio, además de aspirar al derecho a reunirse en un ambiente formal, independiente del gobierno, también busca la "ayuda de las Naciones Unidas" como "veladores internacionales del encuentro" y más importante aún, una petición de "los oficios de la Conferencia de Obispos Católicos y de su Eminencia el Cardenal Jaime como velador nacional del encuentro Concilio Cubano". En mi opinión, una oportunidad ideal para la Iglesia de desprenderse de su parálisis e indecisión y tratar de imitar la jerarquía y sacerdotales de la era de 1960. ¿Cuán a menudo hemos fallado? Muy a menudo. ¿Cuántas veces hemos sido decepcionados y heridos por acciones fuera de nuestro control, desde lejos? Muchas veces. ¿Cuántas veces hemos olvidado estos fracasos y renovado nuestra fuerza y convicción? Una y otra vez. Y continuaremos haciéndolo. No visitaré mi tierra nativa hasta que ésta sea libre. Me fui a la edad de 10 años y nunca pasé de Varadero hacia el este. Anheló visitar Santiago, Caibarién y Trinidad. Sueño —esta palabra nuevamente— con mi casa, mi escuela y mi vida de niño. Hace muchos, muchos años. Vestí el uniforme de militar de este país y lo amo, y volvería a defenderlo otra vez con mucho orgullo. Sueño, otra vez, con mi sabio y valiente, aunque mayor que yo, compañero de escuela, Virgilio Campanera, quien murió en el paredón. Cuando yo regrese, él sabrá que volví, al igual que miles de otros Virgilio que pelearon, sufrieron y murieron.

También sueño con aquellos que allá "viven" (a veces la muerte es un alivio) entre carencias y limitaciones, sin sueños y sin oportunidades. También sueño con los niños que vi en las Bahamas el pasado fin de semana, presos sin culpabilidad alguna, y los de Suecia, y los que andan dispersos por todo el planeta contra su voluntad. Y cuando critiquemos al exilio, debemos recordar que entre muchos que no merecen nuestro respeto, también existían muchos "hombres (y mujeres) peligrosos: los que sueñan de día". Y con los "otros soñadores de día" que existen en Cuba, podremos, juntos al fin, "realizar nuestros sueños con los ojos abiertos". Amén.

I have asked for the opportunity to speak here today in order to present who my brother was, Mario de la Pena. The truth will speak for itself. I ask for your patience in listening.

To open my statements, I will first like to point out that there are many professionals in our society, fire fighters, people in crime prevention, people who work for the national guard and the red cross, and many others who are worthy of my mentioning, who consciously volunteer to put their lives at risk, because they feel a need to restore a piece of humanity. This is who my brother was, this is what he was doing. He was a humanitarian to the fullest; who always discouraged acts of violence. He was also a native born American who fully believed in the American principles of truth, justice, and freedom.

Mario first flew with Brothers to the Rescue as an observer. During one of these flights he felt overwhelmed when he spotted a couple, younger than he was, floating adrift on the ocean in a makeshift raft with no supplies to sustain themselves. The Brothers to the Rescue tossed them water, a two-way radio, and flares. They radioed the Coast Guard with their coordinates and this young couple was rescued and taken into the U.S. to begin a new life.

August 16, 1994 was the day that my brother Mario first volunteered his time and talents as a pilot flying with Brothers to the Rescue. There were many days after that when he helped spot rafters stranded in international waters along the Florida straights and helped bring them to safety.

On February 24, 1996, my brother Mario was flying on a search and rescue mission with Brothers to the Rescue in hopes of saving

another life. They flew three Cessna Skymasters that day with two volunteers in each plane. These are twin propeller driven civilian planes that seat a maximum of four people or two passengers each with a hand full of blankets and bottled water. Their mission was the same as it had been every Saturday: Flying the Florida straights outside of Cuban airspace in order to supply stranded rafters with life-saving provisions. The difference this time was, the planes were met with two MiG fighter jets from the Cuban air force. Two missiles were fired, destroying two of the planes, one piloted by my brother Mario. The third was able to escape. With the coordinates confirmed by the witnesses, by the pilot who escaped, and by records from radar tracking, the Coast Guard immediately started a search operation in the area. The two planes were destroyed so violently and so completely that no wreckage was found after an intense and thorough search of the area.

All of the evidence both circumstantially and concretely prove that the Cuban government committed a carefully planned, pre-meditated act of murder against four humanitarians, one of them a Vietnam veteran and two of them native born Americans. The Cuban government tried and is trying to cover up what it has done. Its intent was to destroy the humanitarian work of Brothers to the Rescue, a group of dedicated individuals whose purpose was to save the life of ANY person stranded in the ocean. The Cuban regime has failed, because the truth of their actions is known. Our government knows the truth.

My brother was born in New Jersey, United States of America. On February 24, 1996, he was 24 years old. He recently wrote, "Since the

age of 10, I have longed to fly commercial type aircraft, and since the age of 15 I have actively pursued that dream." He never deviated from his goal of becoming a pilot. It was always an inspiration for me to see how he could be so focused on his dream. He studied and worked hard to achieve this goal, graduating with honors from high school and simultaneously earning his aircraft mechanic's licence. When he was 17, he'd decided not pursue his intention of joining the United States of America air force academy because he said, "I cannot kill another human being." He entered Miami Dade Community College where earned his associate's degree in professional piloting. He was enrolled in Embry Riddle Aeronautical University where he was seeking his Professional Aeronautics Bachelor's Degree, maintaining a grade point average of 3.9. With his busy schedule, he still found time as a volunteer using his talents to help others. He once wrote, "I find that being able to help those in need is a very fulfilling experience." His flight log records each and every time when he spotted and aided a person stranded at sea. This semester, Mario started a well deserved internship with a major U.S. airline. From his writing, he stated, "I believe my perseverance and self-esteem will benefit me and allow me to successfully end the pursuit for an aircraft piloting career."

These last few days I've been visited by many people whose lives were touched by Mario and they all seem to ask the same question. How this could happen to such a compassionate and noble-hearted young man? After the devastation caused by Hurricane Andrew, Mario helped salvage the remains of Miami Dade Community College Tamiami campus. It was common for me to find my brother helping our eight year old

neighbor learning to reading, or tutoring fellow students in Trigonometry and Calculus for free, or contributing time to our local parish. It was all on a volunteer basis. No matter who and where it was, if they knew my brother, they remember him, because his passion for life was felt by those around him.

The reckless and illegal actions of the Cuban government has not only taken my brother away, but has destroyed a bright and extraordinary piece of America's future. You represent our people. Our Founding Fathers gave you the duty to give expression to the voice of our fellow citizens. I was born a free man in these United States of America. My brother Mario had as well the honor and the pride of being born in the United States. We both learned in our schools about the dignity of man, about our having unalienable rights and we learned that among these rights we were entitled to life, to liberty and to the pursuit of happiness.

My brother Mario's life, in the full development of his vibrant 24 years as a free man, has been callously and premeditatedly taken away by the murdering weapons of a monster who proclaims death as the only alternative to a failed system of government, who despises liberty and offers only tyranny and oppression and who has consistently pursued the destruction of the happiness of the people of these United States of America.

As a citizen of this great nation, as the brother of a young man who could have been the pride of any American family, may I urge you to pass a Joint Resolution incorporating the voice of we, the people of the United States, in condemning this heinous act of cold blooded murder as another badge of infamy in the criminal record of Fidel Castro.



February 29, 1996

President William Clinton  
The White House  
1600 Pennsylvania Avenue  
Washington, D.C.

Dear President Clinton:

Two weeks before Hurricane Andrew arrived at Miami in August, 1992, my cousin, Pablo Morales, boarded a rickety raft in Havana, Cuba with four others. He left behind his parents, a brother, a sister and nephews. He was 29 years old. Like million of others before him, he preferred to risk the great possibility of death rather than live in the oppression of Cuba. He was seen on the high seas by an airplane who radioed the United States Coast Guard who rescued him and his fellow rafters. The plane which spotted him, and determined his fate, belonged to Brothers to the Rescue. His debt to Brothers to the Rescue was instantly forged. As soon as he arrived, he was welcomed at our home where he was sheltered, fed and strengthen, until he began to work at a local food distributor, and became a promising salesman and distributor. He began to attend church regularly, feeling more at ease under the protective umbrella of the United States. Pablito, after many years of darkness, oppression, and hunger started to enjoy his life. His gratitude to Brothers to the Rescue was not soon forgotten. He began helping them in order to help others like himself floating like specs in a desolate ocean hoping that their lives and those they left behind would not be in vain.

Pablo had become a poet here, since in Cuba there is no room for liberty of expression. He was now free to write, and free to write about freedom itself. Allow me to translate an excerpt of a poem he wrote shortly after he arrived:

"In American soil I experienced the immensity of liberty for which I longed in the land I left behind. Here, I will struggle tirelessly to see my country free of evil. I will strive to gain true freedom."



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Pablo lived his short life true to that principle. Hopefully his life and death will not be an exercise in futility.

In the last decade, we have seen the desintegration of the Soviet Union, the collapse of the Berlin Wall, the end of Apartheid in South Africa, the elective process in South and Central America. The United States has played a vital role in seeking peace and justice all over the globe. The United States has policed human rights abuses all over the world. The United States has gone into Ethiopia to feed starving masses and house homeless people. It went into Haiti in order to give democracy a "jumpstart." We are in Bosnia to protect the people from state sponsored atrocities and genocide. We were in Kuwait to repel aggression and arbitrary violence.

Yet, less than 90 miles away, inside Cuba, millions have been starving for decades, atrocities are commonplace, humans live under a failed system of oppressive communism. Cubans have been fleeing for the last 37 years. A small, powerful, heavily armed minority controls the powerless masses with the secret police, propaganda, disinformation, tyranny, and the spread of uncontrollable fear.

Why has the United States always chosen to pursue human justice somewhere else other than its own backyard?

As Americans, we need to ask ourselves how long we will allow this to continue. We need to search our conscience and ask why our foreign policy has failed to bring any fundamental and meaningful change in Cuba.

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Why do we pretend that recent changes in U.S. policy towards Cuba has been effective in causing true change for the common people of Cuba. The Cuban government has been the only beneficiary of these changes, while the vast majority of the Cuban people continue to suffer.

For the sake of Pablo's life and millions that have preceded him in silent deaths and watery graves, we ask you to take a stand.

Sincerely,

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